legislation; to the Committee on Immigration and Naturalization.

469. By Mr. GREEN: Petition of citizens of the State of New Jersey, petitioning Congress not to weaken the immigration act of 1924 by repealing or suspending national-origins provisions of that act, and asking that Mexico be placed under the quota provisions of that act, and asking for needed deportation legislation; to the Committee on Immigration and Naturalization.

470. By Mr. GRIEST: Petition of Pequea Baptist Church, Lancaster County, Pa., urging the amendment of the preamble of the national Constitution; to the Committee on the Judiciary.

471. By Mr. JENKINS: Petition signed by 50 citizens of New York City, petitioning Congress to retain the national-origins provision of the immigration act of 1924; to the Committee on Immigration and Naturalization.

472. Also, petition signed by 50 citizens of New York City, petitioning Congress to retain the national-origins provision of the immigration act of 1924; to the Committee on Immigration and Naturalization.

473. Also, petition signed by 50 citizens of New York City, petitioning Congress to retain the national-origins provision of the immigration act of 1924; to the Committee on Immigration and Naturalization.

474. Also, petition signed by 50 citizens of New York City, petitioning Congress to retain the national-origins provision of the immigration act of 1924; to the Committee on Immigration and Naturalization.

475. By Mr. LEAVITT: Petition of the directors of the Huntley Project Development Association, Worden, Mont., indorsing the sugar schedule contained in the pending tariff bill (H. R. 2667); to the Committee on Ways and Means.

476. By Mr. McCORMACK of Massachusetts: Petition of the A. T. Stearns Lumber Co., F. R. Moseley, president, Neponset, Boston, Mass., protesting against duty on logs, cedar lumber, shingles, birch, and maple flooring; to the Committee on Ways and Means.

477. By Mr. O'CONNELL of New York: Petition of Chamber of Commerce of the United States of America, with reference to passports; to the Committee on Foreign Affairs.

478. Also, petition of the Maritime Association of the Port of New York, opposing the passage of House bill 121; to the Committee on the Merchant Marine and Fisheries.

479. By Mr. O'CONNOR of New York: Resolutions of the board of directors of the Maritime Association of the Port of New York, protesting against the passage of the bill entitled "A bill fixing the liability of owners of vessels"; to the Committee on the Merchant Marine and Fisheries.

SENATE

TUESDAY, *May 21, 1929*

(Legislative day of Thursday, May 16, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	La Follette	Smith
Ashurst	George	McKellar	Smoot
Barkley	Gillett	McMaster	Steck
Bingham	Glenn	McNary	Steiwer
Black	Goff	Metcalf	Stephens
Blaine	Goldsborough	Moses	Swanson
Blease	Gould	Norbeck	Thomas, Idaho
Borah	Greene	Norris	Thomas, Okla.
Brookhart	Hale	Nye	Townsend
Broussard	Harris	Oddie	Trammell
Burton	Harrison	Overman	Tydings
Capper	Hastings	Patterson	Vandenberg
Caraway	Hatfield	Phipps	Wagner
Connally	Hawes	Pine	Walcott
Couzens	Hayden	Pittman	Walsh, Mass.
Cutting	Heflin	Ransdell	Walsh, Mont.
Dale	Howell	Reed	Warren
Deneen	Johnson	Robinson, Ind.	Waterman
Dill	Jones	Sackett	Watson
Edge	Kean	Sheppard	Wheeler
Fess	Kendrick	Shortridge	
Fletcher	King	Simmons	

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present. The Senator from Nebraska [Mr. NORRIS] is entitled to the floor.

Several Senators addressed the Chair.

Mr. NORRIS. I yield to Senators who wish to present routine matters.

PETITIONS AND MEMORIALS

Mr. KING. Mr. President, I have been requested to present a memorial signed by the Harlem Bar Association, through its president, and the Interdenominational Preachers' Meeting of New York and vicinity, praying the Senate of the United States to appoint a committee of its Members and to take appropriate action empowering that committee to make a complete, fair, and impartial investigation of conditions in Haiti and the conduct referred to in the memorial, with a view to appropriate legislation that will free Haiti from the military control of the United States. I ask its reference to the Committee on Foreign Relations.

The VICE PRESIDENT. The memorial will be referred to the Committee on Foreign Relations.

Mr. BLAINE presented the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Finance:

STATE OF WISCONSIN.

Senate Joint Resolution 77

Joint resolution memorializing Congress of the United States to increase the duty on farm products and products that enter into the manufacture of substitutes for farm products, such as oils and fats, and copra

Whereas the dumping of foreign farm products and products that enter into the manufacture of substitutes for farm products, such as oils and fats, and copra, on American markets is in direct competition with and materially decreases the value of our home products; and

Whereas the American farmer, with his large investment in farm capital and ever-increasing expenditures, is entitled to the highest protection from foreign competition than can be afforded to his products; and

Whereas the organized farm and dairy groups of the State of Wisconsin have crystallized their sentiments in schedules carefully worked out and presented to Congress by the National Milk Producers' Federation: Now, therefore, be it

Resolved by the senate (the assembly concurring), That this legislature respectfully memorialize and urge the Congress of the United States to enact during the special session the necessary legislation which will revise the tariffs on farm products and products that enter into the manufacture of substitutes for farm products, such as oils and fats, and copra, to conform to the said schedules presented to the Congress by the National Milk Producers' Federation; and be it further

Resolved, That suitable copies of this resolution, properly attested, be forwarded to the President of the United States Senate, the Speaker of the House of Representatives, and to each United States Senator and Representative in Congress from this State.

Mr. KEAN presented the following concurrent resolution of the Legislature of the State of New Jersey, which was referred to the Committee on Interstate Commerce:

STATE OF NEW JERSEY.

A concurrent resolution recommending to the Congress of the United States that legislation providing for the regulation of interstate motor-bus passenger transportation be immediately enacted

Whereas the transportation of passengers in interstate commerce by motor bus has greatly increased; and

Whereas a large number of motor busses are engaged in this interstate traffic between New Jersey and adoining States, the operation of which is not subject to regulation under existing law; and

Whereas such unregulated operation is highly detrimental to the interests of the State of New Jersey, to the traveling public, and the public generally; and

Whereas such conditions present an urgent need for adequate Federal regulation, at least as to proper certification and control: Now, therefore, be it

Resolved by the house of assembly (the senate concurring), That the Legislature of the State of New Jersey recommends to the Congress of the United States that legislation providing for the proper certification or licensing of such interstate motor busses and such other Federal regulation as may be in the public interest be immediately enacted.

NATIONAL-ORIGINS CLAUSE OF IMMIGRATION ACT

Mr. REED. Mr. President, I send to the desk a telegram from Paul V. McNutt, national commander of the American Legion, which I ask may be read.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The telegram was read, as follows:

INDIANAPOLIS, IND., *May 20, 1929.*

Hon. DAVID A. REED,
United States Senate, Washington, D. C.:

The American Legion strongly urges the retention of the national-origins provision of the immigration law. The American Legion from the very first has supported the present immigration law, and at the tenth annual national convention in San Antonio last October the

organization positively reaffirmed its stand by the adoption of the following resolution:

"*Resolved by the American Legion in convention assembled,* That we favor and recommend continuance of the method of restriction upon immigration in the 1924 immigration law, with its fundamental national-origins provision."

I respectfully and emphatically request that you exert every effort to support the American Legion's position.

PAUL V. MCNUTT,
National Commander.

The VICE PRESIDENT. The telegram will be referred to the Committee on Immigration.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENDRICK:

A bill (S. 1191) for the relief of Ralph H. Lasher, alias Ralph C. Lasher; to the Committee on Military Affairs.

A bill (S. 1192) granting an increase of pension to Sarah E. Hilty (with accompanying papers); to the Committee on Pensions.

A bill (S. 1193) to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project; and

A bill (S. 1194) to provide for the storage for diversion of the waters of the North Platte River and construction of the Saratoga reclamation project; to the Committee on Irrigation and Reclamation.

By Mr. JONES:

A bill (S. 1195) to provide for the coordination of the public-health activities of the Government, and for other purposes; to the Committee on Commerce.

By Mr. KING:

A bill (S. 1196) conferring jurisdiction on the Court of Claims to hear and determine certain claims of persons to property rights as citizens of the Choctaw and Chickasaw Nations or Tribes; and

A bill (S. 1197) conferring jurisdiction on the Court of Claims to hear and determine certain claims of persons to property rights as citizens of the Choctaw and Chickasaw Nations or Tribes; to the Committee on Indian Affairs.

By Mr. VANDENBERG:

A bill (S. 1198) granting an increase of pension to Dora Nash (with accompanying papers); to the Committee on Pensions.

By Mr. GOULD:

A bill (S. 1199) granting a pension to Ellwood Z. Potter (with accompanying papers); to the Committee on Pensions.

A bill (S. 1200) to amend the act entitled "An act relative to the naturalization and citizenship of married women," approved September 22, 1922; to the Committee on Immigration.

By Mr. THOMAS of Oklahoma:

A bill (S. 1201) to authorize the establishment of an employment agency for the Indian Service; to the Committee on Indian Affairs.

By Mr. McNARY:

A bill (S. 1202) to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended; to the Committee on Agriculture and Forestry.

A bill (S. 1203) authorizing the Secretary of the Interior to convey certain lands to the county of Douglas, Oreg., for park purposes; to the Committee on Public Lands and Surveys.

By Mr. SHORTRIDGE:

A bill (S. 1204) granting a pension to Frank B. Hayes; to the Committee on Pensions.

A bill (S. 1205) for the relief of Lieut. Nicholas S. Duggan;

A bill (S. 1206) for the relief of Medical Inspector Royall Roller Richardson, United States Navy;

A bill (S. 1207) for the relief of Otto F. Schroder;

A bill (S. 1208) for the relief of Albert Ross;

A bill (S. 1209) for the relief of Edward J. Murphy;

A bill (S. 1210) to correct the naval record of Robert Hofman;

A bill (S. 1211) to further amend section 4756 of the Revised Statutes;

A bill (S. 1212) establishing a naval record for certain officers and enlisted men of the naval militia of California who performed active duty on the U. S. S. *Marion* or *Pinta* during the war with Spain; and

A bill (S. 1213) to amend section 30 of the act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," approved March 4, 1925; to the Committee on Naval Affairs.

By Mr. CUTTING:

A bill (S. 1215) to provide for the aiding of farmers on wet lands in any State by the making of loans to drainage districts, levee districts, levee and drainage districts, counties, boards of supervisors, and/or other political subdivisions and legal entities, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. HATFIELD:

A bill (S. 1216) granting a pension to John Mainard; to the Committee on Pensions.

A bill (S. 1217) for the relief of Martin L. Chandler; to the Committee on Military Affairs.

By Mr. SWANSON:

A bill (S. 1218) appropriating money for improvements at Wakefield, Westmoreland County, Va., the birthplace of George Washington; to the Committee on the Library.

By Mr. BROUSSARD:

A bill (S. 1219) to provide for a preliminary examination and survey for the enlargement of Bayou Lafourche, La.; to the Committee on Commerce.

By Mr. SCHALL:

A bill (S. 1220) for the relief of Rear Admiral Douglas E. Dismukes, United States Navy, retired; to the Committee on Naval Affairs.

By Mr. HOWELL:

A bill (S. 1221) for the relief of U. R. Webb; to the Committee on Claims.

PHILIP R. ROBY

Mr. WALSH of Massachusetts. I introduce a private bill for appropriate reference, and attached to the bill is a memorandum which I ask to have printed in the RECORD.

The bill (S. 1214) granting compensation to Philip R. Roby was read twice by its title and referred to the Committee on Finance; and there being no objection the accompanying memorandum was likewise referred and ordered to be printed in the RECORD, as follows:

MAY 20, 1929.

Memorandum as to case of Philip R. Roby

Philip R. Roby served in the sanitary detachment, First New Hampshire Infantry, National Guard, enlisting June 5, 1917, and was discharged with a "blue" (undesirable) discharge, but Mr. Roby believed this to be an honorable discharge given by reason of his disability of tuberculosis.

In 1919 and 1920 Mr. Roby on several occasions tried to make application for compensation, but on presenting his discharge was informed by the local Red Cross unit, etc., that he was not entitled to any benefits, due to the character of his discharge. In July of 1928, through the efforts of persons interested in him, the War Department took up the blue discharge, which they indicated was issued in error, and issued an honorable discharge by reason of disability. Mr. Roby immediately took his case up with the Veterans' Bureau, they acknowledged his claim, and paid him compensation retroactive for one year; that is, to July 13, 1927. Section 210 of the World War veterans' act specifically states "that no compensation shall be payable for any period more than one year prior to the date of claim therefor," and accordingly the Veterans' Bureau, under the law, are unable to make further retroactive payments, although they frankly admit Mr. Roby is entitled to the same.

Had it not been for the error of the War Department, Mr. Roby would have received compensation since his discharge. This bill seeks to correct that error and injustice.

AMENDMENT TO TARIFF BILL—TURPENTINE, ROSIN, ETC.

Mr. FLETCHER submitted an amendment intended to be proposed by him to House bill 2667, the tariff revision bill, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT OF THE RULES—OPEN EXECUTIVE SESSIONS

Mr. JONES. Mr. President, there appeared in the paper this morning what purports to be a statement of a vote in executive session a day or two ago. It simply emphasizes the impractical character of our rules with reference to the transaction of business in executive session. It seems to me it emphasizes the necessity of taking some action with reference to the matter. Therefore I desire to give notice that at the first opportunity after the bill which is now the unfinished business shall have been disposed of I expect to call up my proposed amendment to the rules relating to executive business.

Mr. BORAH. Mr. President, I have prepared a resolution, but before I submit it I want to ask the Senator from Washington if the motion to amend the rules which he proposes to call up will be considered in open session?

Mr. JONES. I expect it to be considered in that way.

The VICE PRESIDENT. The Chair will state that, it being a proposed amendment to the rules, it will be considered in open session unless the Senate otherwise orders.

Mr. BORAH. In view of that fact, I shall not offer my resolution at this time.

Mr. BARKLEY. Mr. President, apropos of what the Senator from Washington said, I have on more than one occasion expressed my opposition to secret sessions and the failure to make public the roll calls therein. The roll call published in the paper this morning is not accurate, and I wish to call attention to the fact that if the roll calls are to be published they ought to be published accurately. The roll call as published in the paper this morning contains the name of one Senator who was absent and paired, while the published roll call stated that he was absent and not paired. It contains the name of another Senator as present and voting when, as a matter of fact, he was absent.

Mr. HEFLIN. Who was he?

Mr. BARKLEY. I am not at liberty to state a matter of that kind, but I merely desired to let it be known that the roll call as printed is incorrect.

Mr. BLAINE and Mr. BLACK addressed the Chair.

The VICE PRESIDENT. Does the Senator from Nebraska yield; and if so, to whom?

Mr. NORRIS. I yield to the Senator from Wisconsin.

Mr. BLAINE. In order to overcome the very situation that the Senator from Kentucky has suggested, I ask unanimous consent that there may be printed in the RECORD an article published in the Washington Post of to-day, on page 1 and continued on page 7, the article being entitled "Roll Call of the Senate on Lenroot Revealed."

The VICE PRESIDENT. Is there objection?

Mr. BINGHAM. Mr. President, reserving the right to object, I should like to ask the Senator from Wisconsin what is the object of having the roll call printed in the RECORD, when it has already been printed in all the newspapers?

Mr. BLAINE. The answer to that question is that the Members of the Senate then would have an opportunity to let the public know exactly how they voted, without violating the rules of the Senate.

Mr. BINGHAM and Mr. BLACK addressed the Chair.

The VICE PRESIDENT. The Senator from Nebraska has the floor. Does he yield further?

Mr. NORRIS. I do not care to yield for an argument or a speech.

Mr. BINGHAM. Then, I object.

Mr. NORRIS. I now yield to the Senator from Alabama.

Mr. BLACK. Mr. President, in view of the fact that the statement has been made that the roll call as it appears in the Washington Post is incorrect, I ask unanimous consent at this time that the roll-call vote in the executive session with reference to the nomination of Judge Lenroot be printed in the RECORD.

The VICE PRESIDENT. Is there objection?

Mr. BINGHAM. A point of order, Mr. President.

The VICE PRESIDENT. The Senator from Connecticut will state his point of order.

Mr. BINGHAM. The request made by the Senator from Alabama should properly be made in executive session and not in legislative session.

The VICE PRESIDENT. The Chair would hold that the Senate by unanimous consent could order the roll call to be printed in the RECORD.

Mr. BINGHAM. Then I object.

The VICE PRESIDENT. There is objection. The Senator from Nebraska.

Mr. BLACK. Mr. President, will the Senator from Nebraska yield to me further?

Mr. BLAINE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield further; and if so, to whom?

Mr. BLAINE. I urge my request. There was no objection, I understand.

The VICE PRESIDENT. The Senator from Connecticut [Mr. BINGHAM] objected to the request.

Mr. BLAINE. I understood the Senator from Connecticut merely to reserve the right to object, but that the objection had not in fact been entered.

The VICE PRESIDENT. Does the Senator from Nebraska yield further; and if so, to whom?

Mr. NORRIS. I yield to the Senator from Alabama.

Mr. BLACK. Of course, I understand that the Senator from Nebraska might not want to yield for a continuance of this discussion, but if he will yield to me for one other suggestion in order to get the question squarely on record, I move at this time that the vote with reference to the nomination of Judge Lenroot——

The VICE PRESIDENT. The Chair will hold that such a motion can only be made in executive session. The Senator from Nebraska [Mr. NORRIS] has the floor.

Mr. BLACK. The Senator from Nebraska yielded to me for this purpose.

Mr. BLAINE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Wisconsin will state his parliamentary inquiry.

Mr. BLAINE. What has become of the request which I made for unanimous consent?

The VICE PRESIDENT. The Senator from Connecticut [Mr. BINGHAM] objected, and the Chair has so stated.

Mr. BINGHAM. Mr. President, will the Senator from Wisconsin yield to me for a brief statement?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. BLAINE. Mr. President, just a moment. I do not understand that the Senator from Connecticut objected to the request for unanimous consent which I made, but that his objection was to the request made by the Senator from Alabama [Mr. BLACK].

Mr. BINGHAM. No, Mr. President; I did object to the request of the Senator from Wisconsin, because the Senator from Nebraska stated that he did not care to yield further. Therefore, since I was unable to explain the reason for my objection or secure the object which I desired, I was obliged to object.

Mr. BLAINE. The Senator now objects?

Mr. BINGHAM. Yes.

Mr. HEFLIN and Mr. BLACK addressed the Chair.

The VICE PRESIDENT. Does the Senator from Nebraska yield; and if so, to whom?

Mr. NORRIS. I yield to the senior Senator from Alabama.

Mr. HEFLIN. I wish to state to the Senator from Wisconsin that later in the day he may read into the RECORD of the Senate the roll-call vote which he desires published.

The VICE PRESIDENT. The Senator from Nebraska has the floor.

ACQUISITION OF NEWSPAPERS BY POWER TRUST

Mr. NORRIS. Mr. President, during the course of my remarks on yesterday, while our airplane was landed at Los Angeles, I reviewed to some extent certain conditions that have existed in California. Among other things, I read a letter which I had received in reference to Mr. Copley and his purchase of newspapers in California and his former connection with the Insull interests of Illinois. I am in receipt this morning of a telegram from Mr. Copley, which, in justice to him, I desire to read before I proceed further. The telegram is dated May 21, at Hollywood, Calif., is addressed to me, and reads as follows:

> Associated Press quotes you as stating that it is peculiar that Copley overlooked $5,000,000 ownership in Insull's utilities and that his bonds were handled in Aurora, Ill. I will repeat what I said to you in my cable from Naples more than one year ago.

I might digress here to say that at that time I placed the cablegram referred to in the RECORD.

> I have still all my interest in the Western United Corporation and Western United Gas & Electric Co. In that cable I told you to whom I sold control, and for two years Insull had no connection whatever with it. I retained some underlying interest which I have since sold. I have every right to expect fair treatment from you. It is reported that you said that a man in San Francisco whom you knew wrote you that I still own $5,000,000 in securities. He is a plain, common liar. I never testified before the Federal Trade Commission, being more than 4,000 miles away when that unwarranted attack was made. I explained to you by cable how it originated. My lawyer testified, but he testified of his knowledge and not of mine. I have sold every share of stock which I ever owned. I started Armstrong in business 20 years ago. I sold my interest in his business at the same time control of Western United was sold. He has been a friend of mine for years and never had anything to do with Insull until more than two years after my sale of control and at about the same time I sold all the balance. Please present my compliments to your acquaintance in San Francisco. Tell him for me that he is a plain, common liar. Please have the fairness to read this before the United States Senate and at the same time please ask the Federal Trade Commission to put me on the witness stand. I have a right to ask you this.
>
> IRA C. COPLEY.

Mr. President, as I stated yesterday, there seems to be a controversy between Mr. Copley and his attorney. The telegram to which he refers as a letter which I read was not the only statement to the same effect. I have in my possession and had here yesterday on my desk some editorials on the matter quot-

ing the testimony of his attorney to the same effect as the telegram which I read. I only read the editorial because I did not want to encumber the RECORD, but, in fairness to Mr. Copley, I desire to have his telegram printed in the RECORD and to join him in asking the Federal Trade Commission to reinvestigate that whole proposition. His attorney stated, and the evidence which I adduced here yesterday was to the effect, that he still owns considerable stock. I had here yesterday also a quotation to the same effect from a newspaper printed by him, upon which was editorial comment by another newspaper, calling attention to the same facts to which I called attention in my remarks on yesterday.

Mr. President, when the Senate took a recess last evening we were in the South considering the activities of the Power Trust in buying newspapers all through the Southland. Some of the greatest water-power possibilities on earth are in the South. Some of the Southern States are amply supplied with water power, which, if properly utilized, would make of the South the greatest manufacturing locality in the world. If the South would only consider what is being done in other places with cheap power, they would cease to permit the Power Trust to own the God-given gift that has been bestowed on them that would light all the homes and turn all the wheels of industry in that great section.

It is not only the people in their homes, Mr. President, who are interested in cheap electricity, but the manufacturing industries are likewise interested. Before I conclude to-day I am going to call attention to an official record, which only repeats in substance the statements in other official records which several years ago I called to the attention of the Senate, showing that manufacturers were claiming a tariff because their competitors in Ontario had cheap power and that manufacturers there were not handicapped as they are in this country, where they have to pay a royalty for every kilowatt to private monopoly.

However, while we are in the South, considering the newspaper situation, I want to read a portion of an editorial showing, as some of the editorials I read yesterday show, the condemnation coming from the press that is still free against the violation of the constitutional inhibition in opposition to anything that would prevent a free press. I read a portion of an editorial from the Greensboro Daily News, published in North Carolina. Honest newspaper men have been shocked at the revelations which have been made. Conscientious editors and owners of newspapers everywhere feel outraged that members of their profession should be so subservient to monopoly and greed, absolutely forgetful of the good of the public interest, which a newspaper always ought to remember, because a newspaper is a good deal like a public man; it has to take positions sometimes contrary to its financial interest; it may be it has to take positions that are unpopular in the community. The newspaper has a right to demand of a public man that he should do likewise; that he should advocate such measures as he honestly believes to be right; that he should never hesitate or falter in opposing those things which he believes to be detrimental to the common good, but they should practice what they preach. They should do likewise.

The editorial in the Greensboro News says:

IT IS NOT NEW

"No more amazing story of its kind has ever been unfolded before the reading public of the United States," the Asheville Citizen prints, than that which S. E. Thomason told the Federal Trade Commission the other day, of assurances he had from a paper company of its readiness to finance the purchase of any paper he might be interested in with a long-term paper contract. Mr. Thomason gave a list of papers in the list ownership of which he started out to acquire. Many of them are nationally known. The Citizen thinks it would probably take several hundred million dollars to finance the purchase of all these papers, which fact does not appear to have caused any bother. If the plan had succeeded, it would have given the paper manufacturing company an outlet, probably, for all the newsprint it could produce. "What is vital to the public is that it would have set up at the same time a newspaper chain so powerful as to stagger the imagination. Truly a gigantic scheme, its success would have made a newspaper colossus of somebody. What one thinks of it depends a good deal on the value one attaches to the importance of a free and independent press in a democracy such as ours. Jefferson thought it so important that he stressed it above free government itself."

Along that same line, Mr. President, I want to read an editorial, made emphatic by its publication in large type and by being spread over an entire page in the Mobile Register, printed at Mobile, Ala. I will read only portions of it. It starts out by giving a quotation from Thomas Jefferson, one that is referred to in the editorial that I have just read; and, using that as a text, it makes editorial comment.

This is the quotation:

If the choice were left to me whether to have a free press or a free government, I would choose a free press.

THOMAS JEFFERSON.

Here is some of the comment:

Newspapers free to tell the truth, and free otherwise to observe the ethical standards of respectable journalism, are edited in newspaper offices; and matter which appears in such newspapers, whether as editorial opinion, or as news, is read and known outside these offices only after what is set down is inked on white paper for the general public.

Peddlers of newspaper opinion, of news space in newspaper columns, and of newspaper prestige, are not of respectable note in American journalism. * * *

Copy for newspapers free to tell the truth is not prepared in the offices of utility corporations, or in the offices of corporations of any other kind interested in warping public opinion; it is prepared in the offices of such newspapers, edited in these offices and always with the interests of the whole public in view, and reaches the public only when it is available to all the public.

These rules are in the primer of journalism; newspaper integrity depends upon them, and they can not be disregarded without betrayal of the public newspapers are presumed to serve.

* * * * * * *

Newspapers not free to tell the truth, not free to serve the public, are not the kind of newspapers contemplated by the fathers of this Republic when they guaranteed the freedom of speech and of the press, and are not properly entitled to the extraordinary rights and privileges of a free press, nor to public confidence and respect.

Mr. President, it is refreshing to find such great and patriotic editorials as these right in the heart of the region where this Power Trust was sending its traveling men all over the country, buying newspapers here and there at almost any price. It is refreshing to know that, even in the hotbed of the country controlled to a great extent by the Power Trust there are at least some newspapers that are fearlessly and courageously speaking out in behalf of common justice and common honor for journalism. It is refreshing to know that up in Maine—in Portland, Me.—we have such a newspaper as the Evening News that can not be bribed, that can not be frightened, but that has the courage upon all occasions to speak its mind, to speak the truth as it believes the truth to be. The public are interested in seeing that we have that kind of journalism in America. All right-minded newspaper men and newspaper publishers are likewise interested in the honesty and the honor and the courage of journalism in America.

I have here, Mr. President, a letter from a newspaper man in the South. I will not read all of the letter, because a portion of it has personal reference to myself; but I want to read what the honest newspaper man thinks of the traveling men who are going over the sunny South to buy its press.

This writer says:

These birds, Hall and La Varre—

Remember, Hall and La Varre were two of the traveling men representing the International Paper & Power Co. who were traveling through the South to buy newspapers, neither one of them having any money, neither one of them a newspaper man, but they were financed by the Power Trust. They were financed by the same power corporation that bought the two Boston daily papers; and they called on this man, so he says.

These birds, Hall and La Varre, tried their best to buy the Citizen. They also made an offer for the Asheville Times, made an offer for the Greenville News and Piedmont, had an option on the Greensboro News, and intimated to Curtis Johnson that they would buy the Observer. They also made an offer for the Macon Telegraph, and tried to negotiate with Clark Howell, of the Atlanta Constitution.

There is not any end. The Federal Trade Commission has unearthed only a few of the things that have been going on. So far, we have developed only four traveling men out on the road to buy newspapers. I presume there are others; and I presume a full investigation would show that almost every newspaper in the United States has had an opportunity to sell to the Power Trust.

Mr. President, I have now concluded with the South. We are going to get back into our airplane, our flying machine, and come back to Washington; and after we turn the flying machine, unharmed and uninjured, over to Colonel Lindbergh's representatives, and separate to our various offices, I pause for a moment to take up one or two other considerations.

Before I close, I want to call attention to some testimony that was adduced here in Washington before the Federal Trade Commission in reference to the activities of Mr. Wyer. It is just a few days since Mr. Wyer was put on the witness stand

down here and he testified. He is an old representative as far as power is concerned. His name has been before the public for several years as the representative of the Power Trust. Two or three years ago, at least, on the floor of the Senate, I consumed nearly a half day in telling the Senate about his activities. He had gone over to Ontario as the representative of the National Electric Light Association to write up Ontario and its methods of generating and distributing electric current. He had written a book in which he was not only unfair but in a great many instances untruthful as to what the facts were regarding Ontario and her light situation. His book was issued as a publication of the Smithsonian Institution.

I called attention then to the fact that the Smithsonian Institution was originally founded by an Englishman; that the money that started that great institution came from a British subject; that they had fathered, through the activities of Wyer, a book that was given national circulation by the Power Trust. It was published at great length in magazines friendly to them. I remember that The Nation's Business, in great headlines, told how the Smithsonian Institution, seeking only for truth, a scientific institution of the Government, had made a careful, unbiased investigation of the water-power business in Ontario, and had condemned it, had shown that the price they were charging for power in Ontario, where they had the publicly owned institution, was higher than over here in America, where we had the blessed private initiative and private ownership.

At that time I condemned the Smithsonian Institution and its director. I said on the floor of the Senate that the Government of the United States ought to demand the resignation of the man who had permitted that great scientific institution to be inveigled into a charge which in effect was a charge against a friendly government. I told how this book had condemned the governmental activities in Ontario and how it had been circulated all over the United States. I put into the RECORD at that time the answer to Mr. Wyer's book, written by Sir Adam Beck—now dead, but at that time the head and one of the originators, nearly 20 years ago, of the Ontario system. I thought it was a dastardly attack. No matter what we may think of private ownership or Government ownership, or high rates or low rates, we ought to treat our neighbors, friendly nations, in a way that is fairly respectable, at least.

I called attention to the denunciation that Sir Adam Beck had made of this publication, and also to the fact that the Smithsonian Institution was a scientific body, and that it ought not to permit itself to be led into a controversy of this kind; but I was unable to prove then that Wyer was paid money for this business. I charged, in effect, that he represented the Electric Power Trust, but I was unable to give concrete evidence that they had hired him, that they had paid him, and that they had in effect used the good name of the Smithsonian Institution to bring into disrespect the activities of a neighboring friendly government. But the other day Wyer was put on the stand at the Federal Trade Commission hearing, and he was compelled to admit, and did admit, under oath, some things which explain clearly now what was rather mystifying before. I read from the Washington Herald of yesterday:

A giant propaganda mill, operated by Samuel S. Wyer at Columbus, Ohio, was turned inside out. At the commission hearing yesterday, Wyer admitted having been paid individually and as an "educational foundation," approximately $40,000. The bulk of this came from electric power interests.

Wyer is the tireless pamphleteer who for half a dozen years has been flooding the country with what were described as independent scientific and technical studies of the Boulder Dam project, the publicly owned Ontario Hydro-Electric system and Muscle Shoals.

Two of his studies which the power people paid for were printed in such a fashion as to make them appear to carry the prestige of the Smithsonian Institution.

That is gospel truth. If Senators will get a copy of The Nation's Business of a few years ago they will find that that was printed there in great glee. It was circulated in pamphlet form all over the United States, always giving the impression to the reader that it was something gotten out by the Smithsonian Institution.

He started to make a third study in conjunction with the Smithsonian, he testified, but the Smithsonian called the deal off.

Let us see why they called it off.

According to Wyer this third study, of Muscle Shoals, was proposed by the late C. D. Walcott, then secretary of the Smithsonian, who said facts were needed to inform public opinion.

If Senators will go back into the RECORD to the time when I attempted to expose this pamphlet of Wyer that was backed up under the name of the Smithsonian Institute, they will find that I showed on that occasion that they were doing something of this kind, and that the remark was made at one of the conferences down there, "You will start the Senator from Nebraska off if you make such an attempt. You must have somebody ready to answer him." They named the Senator who should answer him, and furnished him the document which he should use in answer. I secured a copy of it in a way which was perfectly honorable, but which I did not explain at the time. Through a good newspaper friend of mine I obtained it, however, and at the time, on the floor of the Senate, I called attention to just what they had said they were going to do, and said to the Senate, "Here I am. Now, let us have the answer."

Here is a quotation from his testimony given the other day. This is Wyer speaking. He was asked by the head of the Smithsonian Institution to prepare an argument against Muscle Shoals. They needed some facts. I am not sure but what it was the same time that I got hold of what they were doing, and mentioned it here on the floor of the Senate. He said:

At first I just laughed at him. I told him it would be impossible to get at the records. He assured me he had discussed it with the President and arrangements would be made to get access to the records.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER (Mr. WATERMAN in the chair). Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I yield.

Mr. HEFLIN. What year was that?

Mr. NORRIS. I do not remember the year now, and it is not given here.

Mr. HEFLIN. It was within the last three or four years?

Mr. NORRIS. Oh, yes; since the Muscle Shoals question has been before the public. This is an argument he was going to get out in opposition to what some of us were trying to do with Muscle Shoals.

Mr. HEFLIN. Evidently President Coolidge, then, was President.

Mr. NORRIS. Evidently. That is what he testified to. Before I read this I want to say that I got some definite information so as to know whether this quotation was right, and I am assured by one who heard the testimony that it was right. He was assured that he would have no trouble to get the records. He had that assurance from the President of the United States. Then he started to do it. He said, according to the Herald:

When I got down there a cub newspaper reporter who had not yet learned newspaper ethics listened in on a conversation between me and Major Fisk, when a number of confidential things were discussed.

When the reporter's story appeared, according to Wyer, the Smithsonian withdrew and he made the survey for the Duquesne Light & Power Co., which paid him $2,400.

So this second attempt to use the Smithsonian Institution's name to get into this power controversy was thwarted by this young man whom he called a cub reporter. I suppose it was the same cub reporter who gave me the information which I had and which I used on the floor of the Senate; and they proceeded no further, as far as the Smithsonian Institution was concerned. They had men to travel under their own name. So he did the work, but he did it for the Duquesne Light & Power Co., and they paid him $2,400 for it.

Wyer said the conversation with Walcott took place in March, 1925.

That answers the question of the Senator from Alabama.

What the National Electric Light Association wanted as "scientific studies" of Ontario Hydro-Electric was indicated by Wyer in testimony that its representatives shied away from his report, and demanded "a snappy report against Government ownership."

After the dispute the light association, which had agreed to contribute $3,000, withdrew. Wyer got his pay, $15,890, from the Duquesne Light & Power Co., whose head, A. W. Thompson, had instigated the survey, according to Wyer. Thompson also is president of the Philadelphia Co., of Pittsburgh.

Mr. President, so often this investigation has disclosed evidence like that, having a direct bearing upon activities that took place several years ago, where men were in reality in secret employment of power companies and power trusts, but there was no way definitely to prove it, and when we charged, as some of us did on the floor of the Senate, that there was a trust, that they were deceiving the people through these misrepresentations, we were laughed at. We could all say now, after the revelations that have come daily from the Federal Trade Commission investigation, "We told you so." We were "dreamers" then. You would not believe us then. We were denounced as "Bolsheviks," and "socialists," and men who were trying to oppose the best interests of the people. Now the evidence discloses that the men we denounced were the hired

men of the trust, and the information as to the amount of money they have been paid has been disclosed, coming from their own unwilling lips.

Mr. President, before I close I want to offer a little evidence on the very question upon which Wyer has been attempting to deceive the people, the cost of power in Ontario compared with the cost of power in the United States. I have gone over that subject a great many times in the Senate. I have shown that the electric-light users, the power users, people of all kinds who use electric current over in Ontario, are getting it for one-half and often for one-third of the price of the same accommodation on this side of the line. But I want now to use their own witnesses to disprove their own witnesses on another occasion.

As we all know, for a long time the Ways and Means Committee of the House has been preparing a tariff bill. They get evidence from various places. People come in and testify. I am not vouching for the truth of the testimony to which I am about to refer. It comes from the enemy. It comes from those who have been fighting everybody I have been with since I have been in public life. But I am going to use their words. I am not going to offer my witnesses, I am not going to offer my testimony, but I am going into the camp of the enemy and get their testimony. I did that on a different occasion here in connection with a former tariff bill. Senators can go back into the hearings on the tariff bill before us several years ago, the one which was enacted into law and is now on the statute books, and they will find that the manufacturers of certain articles came before the committees of Congress framing a tariff because, they said, "Just across the line this article is manufactured with cheap power. They have cheap power over there." Wyer was trying to demonstrate, and these selfish interests all over the United States said he did demonstrate, that power was cheaper in the United States than in Ontario.

I have here the tariff hearings, from which I want to read. This is something new. This came out only a few days ago. It is right up to date. I am about to read from a brief filed before the Ways and Means Committee on behalf of the National Sand and Gravel Association. Who are they? That is a national association, whose members are engaged in the mining and the handling of gravel, the mining of rock, and the handling of crushed rock. They came before the Ways and Means Committee and asked for a tariff on sand and gravel and crushed rock. Does anybody wonder why they need a tariff on crushed rock and gravel?

Who are the members of this association? The president is R. C. Fletcher, of the Flint Crushed Gravel Co., of Des Moines, Iowa. The vice president is F. D. Coppock, American Aggregates Corporation, Greenville, Ohio. The secretary-treasurer is H. S. Davison, J. K. Davison & Bro., Pittsburgh, Pa. The executive committee are as follows: R. J. Potts, Potts-Moore Gravel Co., Waco, Tex.; H. V. Owens, Booneville Sand Corporation, Utica, N. Y.; F. W. Peck, Muncie Sand Co., Kansas City, Mo.; J. C. Buckbee, Northern Gravel Co., Chicago, Ill. They said:

> This brief is filed by the National Sand & Gravel Association in support of a petition for a duty of 5 cents per hundred pounds weight on all aggregates (prepared sand and gravel) imported into the United States from any source to be used for any purpose.

Why, we ask, do you want a tariff? They give several reasons. I am going to read you the first one, probably in their minds the most important one. If Senators will read all of their reasons they will reach the conclusion that it is practically the only one of any importance. The enemy is testifying. I am not saying this. The National Sand & Gravel Association is saying it. They are saying it notwithstanding that the Electric Light Trust, represented by Wyer, has said that power is cheaper over here than in Ontario. They use a great deal of power in crushing rock and mining their gravel, and they have to sort it and screen it and wash it and grade it. It all requires a great deal of power. The first reason they give is:

> Power: The power used in land pits by the Ontario manufacturers is supplied by a public-owned hydroelectric power commission known as the Ontario Hydroelectric Power Commission. This power is manufactured from natural water-power resources and is supplied to the public approximately at cost.

That is what I have always been trying to tell the Senate.

> The power necessary to the operation of the American plants is obtained from private corporations, operating at a profit, which must produce their power from coal and other high-priced fuels. The consequence is that the cost of power to the Ontario manufacturer is approximately 60 per cent of the cost of power to the American manufacturer.

Now "put that in your pipe and smoke it." Let the high-tariff men put that argument of those people up against the misleading and false arguments that have been made by the emissaries of the Power Trust in America to discredit the Ontario power business, publicly owned and publicly operated. They say in this brief that the electricity on this side of the Canadian line is made by the use of coal and over there by the use of water. I have read it all. The argument is made that it affects only the American handlers of sand and gravel within a reasonable distance of the Ontario line, and within that distance the power people of the United States get their power from the same water that makes the power on the other side. We get half of the power and our manufacturers over here use it, the same as the manufacturers across the line use it, but those people get their power over there at a cost that is only 60 per cent of ours.

Mr. President, I wonder how long the American people are going to permit themselves to be hoodwinked. When they want to do something for the special interests, they deny the people here the benefits that come from cheap electricity. They say on this side, where we have private initiative and private ownership, that we have cheaper power than over there, and yet their own people when they want to go into any business on this side of the line come to Congress and say, "If you do not give us a tariff on this product the cheap power of Ontario will drive us off the American market." Take your choice.

Two or three years ago when we had the present tariff law up for discussion this man Wyer had just issued the book about which I have been telling you. I listened to the argument here in the Senate where carbide was one of the things discussed. Carbide is used for one of the finest kinds of lights that is known. It required a great deal of power to make it. Those people came before the committee, and you can search the records and find the testimony, as I have done. They implored the committee of the House or the Senate—I think the latter committee—to give them a tariff on carbide and several other things, because they said, "Our competitor in carbide is a manufacturer of carbide over in Ontario. We do not need protection from any other country, but Ontario makes cheaper carbide than we can make," and they then gave the reason why they made carbide cheaper was because they had cheaper power, cheaper electricity. We gave them a tariff on it.

So we first penalize the consumers of electric current both in the home and in the shop and the manufacturing concerns by permitting our natural resources to be monopolized and turned over to the special interests for private profit, and then because they were making these unconscionable profits we turn around and put a tariff on whatever they make in order to protect them in the enjoyment of that unholy profit. That is our system. That is what we have been doing. That is what we are going to be asked in a few days to do on many articles in the tariff.

How long, oh, how long can this be kept up? How long is the struggling giant of human liberty going to remain asleep while the Power Trust and monopoly is binding his hands and his feet so that he will be helpless? How long are we going to permit inroads to be made upon a free press? How long are we going to continue to go back on the words of Thomas Jefferson, who said he would rather have a free press than a free country if he could not have them both, because he knew, as I know and as you know and as God knows, that we can not have a free country without a free press, and that when our press is monopolized, when it is gathered up by special interests and used for private profit, then it will soon be that human liberty will be dissipated, human liberty will commence to disappear, and there will be founded a Mussolini government on the ruins of our Republic.

We can not longer close our eyes to what has been going on. A few years ago it was said by many Senators to some of us that we were cranks; that we were honest, perhaps, and enthusiastically new; but that we were misled, that we were socialistic, that we were Bolshevistic, that we were frightened at a shadow. We were told by a Senator who has now gone to his long reward, whom I loved and with whom I served both here and in the House, that I was a dreamer, that there was nothing to come out of this water-power investigation. But now the truth is beginning to percolate out. We are finding almost every day something that dribbles out from the very lips of the men who have this country by the throat, who are trying to monopolize, as they admit, all the power in America. Every rippling stream is to be their slave. Every pound of coal that God put in the earth is to do something for them for private gain without considering the people, without considering the poor, without considering the great common people, who in this great day of civilization are just beginning to learn that electricity is the greatest civilizing influence of all the world, that

its unseen power is going eventually to come into every home, into every factory, into every activity, and that the drudge and the dirt and the smudge of existing circumstances now in our factories and our homes are going to be driven out by the enlightening and powerful influence of this unseen and but little understood power. How long are we going to struggle in the darkness? How long are we going to permit ourselves to be subjugated, knowing full well that following us our children will be economic slaves unless we rise in our might and properly represent the great people of the United States who honestly believe in freedom, in righteousness, in honesty of government, in free speech, in a free press? O my God, Mr. President, how long, oh, how long will a suffering people in a supposedly free land permit private greed and monopoly to monopolize the blessings of Almighty God?

FARM RELIEF

Mr. McNARY. Mr. President, Hon. Joseph E. Tumulty, secretary to former President Woodrow Wilson, has always shown an intelligent sympathy for those who toil. He has sent me an article which appeared in the Baltimore Sun entitled "One Farmer Recites His Story in Detail." I ask unanimous consent that the article may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

[From The Baltimore Sun, May 16, 1929]

ONE FARMER RECITES HIS STORY IN DETAIL—WRITER IN GLENCOE, MD., COMPARES PAST AND PRESENT PRICES OF HIS SALES AND HIS PURCHASES AND FINDS FARM PROFITS ALL BUT INVISIBLE

To the EDITOR OF THE SUN:

SIR: It is time that you be enlightened upon a subject of which your ignorance is pitiful. Your editorial in Friday's Sun, Hard Words, proves your dense ignorance. You compare the farmer to the small grocer shelled out by competition. The farmer is being shelled out by poor prices.

You raise no howls when rich manufacturers yell for high tariff, and being both rich and powerfully organized they get it. It is all right for the taxpayer to pay half a dozen artificial costs, but anything like farmers getting living wages or relief from Congress is too absurd to consider.

Taxpayers must not dig down to give farmers anything. Why? Because the farmers have no money and no organizations to back up their demands. "To him that hath shall be given, and from him that hath not shall be taken even that which he hath."

Twenty-five years ago a grain binder could be had for $125. To-day the same costs $235. Why? Because the manufacturers found their profits zero, for the mechanics and materials in those days cost less than half of present-day prices. A mechanic worked long hours for small wages in 1904. The war came on, and these men took advantage of the stress of the times and demanded more than double wages. The farmers did not. After the war, being strongly organized, these mechanics refused to go back to starvation wages. They had become accustomed to fine automobiles, radios, social advantages, and other modern privileges and proposed to hold them. The employers dared not defy the powerful labor unions. It was the easiest thing on earth to jump on the unorganized farmer.

Now, let us see why he is such a monster asking for relief, which appears absurd to the Sun—fleecing the taxpayers' pockets even though high tariff makes the taxpayers pay many prices into rich, organized industrial lines through compulsion. We will take wheat, the staple of the world. Its prices are lower in purchasing power of the farmer's dollar, worth only 60.3 cents, than ever before in the history of the country. A report of the Federal Government says in reference to wheat: "In purchasing power the price was lower than the low price of 49 cents per bushel on December 1, 1894." Another Government report says: "The average farm price of wheat should have been about $1.35 per bushel to give wheat pre-war purchasing power at wholesale prices."

Costs of production are more than doubled in wages, and in other requirements like fertilizer much more so, because the fertilizer manufacturers would not sell at a loss, as their wages are higher and other costs in proportion. This translates into farmers' language that a grade costing $10 25 years ago now costs more than $25 per ton.

The lowest purchasing power in the history of the Nation has been cited by authority of the Federal Government. Along comes the thresher man, who 25 years ago charged 3½ cents per bushel. Now it is 7 cents. He says, too, his wages have increased as well as machinery; that his upkeep is severe; if he breaks a small piece requiring repairs many fictitious prices are charged him—some more of the high tariff to enrich manufacturers and pauperize farmers.

During the war the prices of wheat were fixed for the farmer. When he was ready to reap profit he was knocked prostrate. Twenty-five years ago men would help grow wheat at $1.50 per day and board, working long hours. If they will do it at all now it is $3 and board for only very short hours. What is the matter with the world? Does it expect the farmer to everlastingly go on feeding it at a loss, and then if he asks for living wages to be regarded as a highwayman?

Senator CARAWAY is one of the few men in Washington who understand the critical plight of the farmer, because he started as hired boy on a farm at $3 per month. The papers seek to make a boob of him because he understand his subject. Of what use is it to send lawyers, bankers, and military men to Washington expecting anything from them but ridicule toward helping farmers?

Look at the gigantic taxes farmers have to pay to keep roads for the dudes to ride over and schools to educate youths to scoff at the farmers' hardships. Look at the thefts in the roads that the farmers have paid for by the sweat of their brows, harvesting their crops in a scorching sun in the nineties, working in their fields after hours when others were riding at terrific rate to gather the cool air in fine automobiles, and then milking cows until dark, coming out of the hot stables simply drenched.

The farmers pay heavier taxes than any other class in the country, for they can not hide their operations like the bloated bondholders. The late Secretary Wallace, of the United States Department of Agriculture, an eminent authority on agriculture, said: "In most farming States taxes on farms have more than doubled; on 155 farms in Ohio, Indiana, and Wisconsin, taxes abscrbed one-third of the farm income, as compared with less than one-tenth in 1913." He further says: "The value of the wheat, oats, and tobacco crops and one-half the potato crop was required to pay taxes and interest."

A farm near Baltimore in 1907 paid $150 taxes and now pays $450. Let us cite a concrete example of the results on the same farm growing 820 bushels of wheat one year since the war from actual records and leave it to the people to act as a jury. If they don't say the farmer abundantly needs help, then we lose faith in the common sense of the American people.

Wages paid on wheat crop	$67.50
Expressage on bags	1.87
Binder twine	17.50
Threshing coal, 4,140 pounds	20.70
Fertilizer	364.88
Return bags	1.87
Threshing wages	63.38
Hire of 200 grain bags	8.80
Threshing, 74 cents per bushel	57.40
Marketing expenses	83.79
Killing weevil	5.76
Total	693.45
Received for wheat	722.51
Cost of production	693.45
Profit	29.06

Enough corn was held to feed the animals and the remainder sold, with the following results:

Wages paid on corn crop	$53.00
Tar rope	5.00
Plow repairs and paints	7.00
Cutting off 1,213 shocks	121.30
Husking, 436 shocks	48.60
Total	234.90
Sales, corn and fodder	205.20
Profit	29.70

It will be noted the farmer himself husked 727 shocks, thereby saving $72.70. Instead of $29.70 profit, there would have been, except for this, a net loss of $43.

The hay crop was very good and, after maintaining the animals, the very highest any buyer would offer was $15 per ton. Any schoolboy can estimate that these prices fail to pay growing costs. Forty years ago grass seed was had for 8½ cents per pound, against 33 cents at present. To make matters worse, the automobile highways have driven farmers' teams from the city markets, entailing $2 per ton truckage and $3 more baling expenses. A farmer who receives $7.50 to $8 per ton after his marketing expenses considers he has gotten all possible.

The price is set for his costs of production. It is set for what he sells for. He has no voice either way. It is obvious to any sensible person of ordinary intelligence that the majority of farmers are nearly bankrupt, holding out by their utmost skill and the very highest management; that such prices as those above will neither pay taxes nor wages of one man for one year, and that the situation is critical in the extreme because of the low prices a farmer receives for all he sells and the high prices he must pay for everything he has to buy, including labor.

If manufacturers get a good living, is there any reason why a farmer should not? Because without the farmer the manufacturer could not exist. To lower everything in proportion to the present prices that farmers receive is the surest basis for farm relief from Congress, and they will not yell for help.

If an organized army of farmers were to march on Washington they would get recognition. Let us all adopt a Christlike spirit to live and let live.

TWENTY-FIVE YEARS' EXPERIENCE.

GLENCOE, MD., *May 6, 1929.*

DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The Senate as in Committee of the Whole resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress.

Mr. WALSH of Montana obtained the floor.

Mr. JOHNSON. Mr. President, will the Senator permit me to correct some typographical errors in the bill? It will take but a moment.

Mr. WALSH of Montana. I am glad to yield to the Senator for that purpose.

Mr. JOHNSON. On page 4, in line 17, amend the bill by striking out the period after the numeral 6 and inserting it after the parenthesis.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. JOHNSON. On page 4, line 20, after the word "agents," strike out the comma; and in line 21, strike out the hyphen between the words "per" and "diem."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. JOHNSON. On page 8, line 4, the word "mandatory" should be "amendatory."

The VICE PRESIDENT. Without objection the amendment is agreed to.

Mr. JOHNSON. On page 8, line 17, strike out the incorrectly spelled word "fictitious" and insert the same word properly spelled.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. JOHNSON. On page 11, line 13, strike out the incorrectly spelled word "organization" and insert the word "organization" correctly spelled.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. JOHNSON. On page 13, line 13, strike out the first word in the line, "be," and insert in lieu thereof the word "he."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

THE STORY OF NEW YORK TO-DAY

Mr. WAGNER. Mr. President, I ask to have printed in the RECORD a paper which is entitled "The Story of New York To-day," being facts compiled by the Merchants' Association of the City of New York.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

To begin at the beginning, a baby is born in New York every 4 minutes and 6 seconds—a total of 126,332 in 1928.

Using a 12-hour day as a basis of computation, couples are getting married in New York at the rate of 14 every hour—a total of 62,424 getting married in 1928. Everybody can't get married, however, and stay within the law, because in the population of 6,065,000 it is estimated there are 15,000 more females than males.

FOOD CONSUMPTION

These 6,065,000 people are consuming food at the rate of approximately 3,500,000 tons a year, an average of more than 1,000 pounds of food being consumed or wasted by every man, woman, and child.

These people use 2,659,632 quarts of milk a day, almost a pint a piece.

The health department estimates that they use 7,000,000 eggs a day.

Fifteen hundred freight cars are needed daily to bring the food that New York eats. If placed together, they would form a train 12 miles long.

New York City's annual consumption of coal amounts to approximately 21,000,000 tons, including 13,000,000 tons of virtually smokeless anthracite used for heating.

It uses annually 8,000,000 tons of bituminous coal, including 2,000,000 tons necessary to bunker the ships in the harbor.

The population of New York City is growing at the rate of 3,899 per month.

One of the factors is immigration. In the fiscal year ending June 30, 1928, 157,887 immigrant aliens and 133,217 nonimmigrant aliens, a total of 291,104, entered the country through the port of New York—more than entered the country through all the other ports of the United States combined.

35 TELEPHONE LINES TO MOON

More than 190 people in New York pick up the telephone receiver every second, on the average.

There are approximately 8,233,000 intracity telephone calls every 24 hours. In addition, the people make 508,000 commuting calls—calls within a 50-mile radius—and 34,383 long-distance calls every day.

If the telephone wires used to accommodate this service were stretched out, they would reach over one-twelfth of the distance from the earth to the sun.

The 8,367,000 miles of wire in the city would string 35 lines between the earth and the moon.

Five hundred and thirty-one thousand five hundred miles were added in 1928.

Fifty million dollars was expended last year for plant construction and improvements within the city to maintain and develop this service.

The city has 35,547 private branch telephone exchanges.

The city has 1,700,000 telephones in operation, almost one-fifth as many telephones as are in all of Europe, which, on December 31, 1927, had 8,650,000 phones.

681,818 BUILDINGS

To house the activities of New York's residents and visitors there were, on October 1, 1928, 681,818 buildings, including 277,118 one-family houses, 143,534 two-family houses, 121,557 nonelevator apartment houses, and 3,970 hotels and elevator apartments.

There are 89,263 garages and stables to accommodate their automobiles and horses.

There are still 50,000 horses in New York City, according to latest estimates.

New York's largest building (the Equitable) houses 12,000 people every day.

In addition, 50,000, or enough people to make a city almost as large as Atlantic City, N. J., visit the building every day, and 96,000 passengers are carried in its elevators.

TAX VALUES

The assessed valuation of the real property in New York is $17,133,817,310.

To support the city's public activities requires a budget of $538,928,697.

The city debt is $1,881,740,963, requiring interest payments of over $75,000,000 a year.

The city's tax levy in 1928 was $441,357,774.

9,000,000 TRAVEL EACH DAY

New York's population travels. This is shown by the fact that on an average business day over 9,000,000 passengers are carried on subway, elevated, street-car lines, and busses.

Five million six hundred and forty-two thousand six hundred and sixty-one of these travel on subway or elevated and 2,949,305 on the surface lines.

Approximately 592,000 people are carried daily on the various bus routes.

The city has normally 23,628 taxicabs in daily service.

Though 30,628 cabs are licensed, ordinarily some 7,000 of these are out of service for overhauling or some other reason.

It is estimated that 945,120 taxi fares are collected every 24 hours.

If one were to take an automobile journey through all the streets of New York, he would make a trip that would be the equivalent in distance of a journey from New York to Los Angeles, Calif., and from Los Angeles to Vancouver, British Columbia.

There are 4,702 miles of streets, of which 2,868.7 are paved and 1,833.3 are unpaved.

There are approximately 4,180 miles of water mains and over 2,600 miles of sewers.

PROVISION FOR VISITORS

New York is a Mecca for visitors.

According to the latest available count, more than 500,000 people come into New York over the railroads every business day.

Over 379,000 are commuters.

Over 127,000 people who are not commuters come into the city daily through the railroad stations.

At this rate the equivalent in numbers of the entire population of the United States visits the city in less than three years.

Of the total, 306,700 a day came from New Jersey, 84,600 a day from Westchester County, and 114,800 a day from Long Island.

To accommodate its visitors New York has 250 hotels and 94,400 hotel rooms. At a pinch the hotels can accommodate over 200,000 people.

Thirty-eight thousand seven hundred rooms were added to New York's hotel capacity in the last five years. In 1928, 5,800 rooms were added.

The hotel industry expects this rate to be maintained for the next five years.

CONVENTION RECORD

During 1928 the city entertained 1,005 conventions.

Each convention visitor remained in the city an average of four and a half days.

There were altogether over 800,000 visitors drawn by these conventions.

They expended upward of $68,000,000 for living expenses, merchandise, entertainment, and taxicab fares within the city.

Nine hundred and fifty-five thousand six hundred and thirteen automobiles were registered in the city at the end of 1928, an average of approximately one car for each six and a half residents.

Seven hundred and fifty-two thousand six hundred and fifty-two of these were passenger cars.

One hundred and fifty-seven thousand seven hundred and eighty-eight were commercial vehicles and 45,173 were omnibuses.

It is expected that this number will be exceeded considerably in 1929.

A count shows a greater number of vehicles traversing the Queensboro Bridge in a single day than any other thoroughfare in the city.

During a single day in July, 1928, 61,200 vehicles passed over the bridge in a 12-hour period from noon to midnight.

800 THEATERS

New York has 800 theaters.

Two hundred and fifty-two of these are devoted to the spoken drama.

Five hundred and forty-eight are movie houses and are rapidly becoming talkies.

For the average visitor who will be satisfied with none but first-class shows, 125 theaters are available.

Six hundred and seventy-five of New York's theaters belong to the neighborhood class.

The combined seating capacity of New York's theaters is 850,993, divided as follows:

Legitimate	338,140
Motion pictures	334,791
Neighborhood movies	178,062

HOSPITALS—DOCTORS

New York has 138 hospitals and, when the last count was made, 33,535 hospital beds.

The Academy of Medicine has listed 11,575 physicians and surgeons practicing in the city of New York.

This is approximately one physician for each 524 members of the population.

WATER SUPPLY

New York City has an exceptionally fine supply.

The major part of the supply is brought a distance of 92 miles.

In the last year an average of approximately 875,000,000 gallons were consumed each day.

This is at the rate of approximately 145 gallons per day per person. The per capita consumption of city-supplied water in London is listed at 43 gallons a day, though this does not include the supplies of manufacturing plants, which draw direct from the Thames.

POPULATION EXCEEDS LONDON'S

The New York metropolitan district, which embraces an area of 3,765.5 square miles, has a population in excess of 9,500,000, or almost one-twelfth of the population of the United States.

The population is in excess of that of Greater London, which embraces 693 square miles and in 1921 had a population of 7,480,201.

The port of New York has about 995 miles of water front, measured around piers and shore line.

It has 347 miles of wharfage and about 560 piers, many of them accommodating the largest ocean liners.

COMMERCE

Its sailings for foreign ports aggregate more than 500 vessels a month over more than 60 different trade routes.

Its nearest port competitor when the last comparison was made had 202 sailings a month along 39 routes.

With exports valued at $1,769,684,571, the port of New York in 1928 handled over 34 per cent of the exports of the entire Nation.

Imports by the United States in 1928 amounted to $4,091,120,064.

Imported goods valued at $1,949,982,707, or nearly half the United States total, came in through the port of New York.

New York's building industry is one of the modern wonders of the world.

During every day of 1928 an average of six buildings were demolished.

BUILDING INDUSTRY

But the building industry more than made up for them by erecting an average of 23 new buildings every day.

Total contracts awarded for building construction in the five boroughs of Greater New York in 1928 amounted to $1,056,120,000.

There were a total of 8,398 separate building projects, providing altogether 160,549,900 square feet, or 3,680 acres of new floor space.

Contracts were made for buildings providing over 2,600 acres of floor space to be devoted to residential purposes.

Contracts were made for 5,640 residential buildings, for 1,463 commercial buildings, for 161 educational buildings, for 82 hospitals and institutions, for 223 industrial buildings, for 103 religious and memorial buildings, for 77 public buildings, and 164 social and recreational buildings.

Contracts were let providing for over 50 acres of new floor space in social and recreational buildings alone.

The city has more than caught up with the housing shortage existing in 1919.

In the 10 years ending on December 31, 1928, $4,116,725,400 was expended on new buildings for residential purposes.

This is at the rate of over $7,700 for each individual added to the population.

In February, 1921, the city had 983,000 apartments and 915 vacancies.

In January, 1929, there were 1,316,000 apartments and 102,000 vacancies. During the intervening period there were 36,000 apartments demolished and 369,000 built, giving a net gain of 333,000.

FACTORIES AND WAGES

The value of the products of New York City's factories is equal to almost one-tenth of the value of the products manufactured by the entire country.

In 1927—date of last census of manufactures—New York City had 27,062 separate factories, in which were employed an average number of 552,507 wage earners.

These wage earners received $904,646,427 and turned out products valued at $5,722,071,259, an increase of $397,657,647 in two years.

The New York City workman is exceptionally well paid. In 1927 he received an average wage of $1,637, as against an average of $1,298 paid in wages for the country as a whole.

The New York workman is making up for his high wages by high production.

The value added by manufacture per dollar spent in wages was $3.17 in New York City, as compared with $2.54 for the rest of the country.

New York City leads the Nation in the production of wearing apparel.

It manufactured in 1927 women's clothing valued at $1,145,612,504.

Its apparel industries as a whole, without including its shoe plants, turned out goods valued at $2,181,152,223.

The product of New York's printing and publishing houses is valued at approximately $600,000,000 a year.

It manufactures food and beverage products valued at about $600,000,000 a year.

New York City is the leader in the airplane industry.

In 1927 airplane products valued at $21,000,000 were manufactured in the United States.

Of these almost $12,000,000 worth were manufactured in the New York metropolitan district.

The Aeronautical Chamber of Commerce estimates that the commercial aircraft production of the country in 1929 will amount to $100,000,000.

Six big New York firms, not including one of the largest, place their commercial plane production for 1929 at 2,815, the retail value of which, not including motors, is given at $21,456,250.

The aeronautical chamber estimates that the city will have an aircraft turnover for 1929 in excess of $35,000,000.

BRIDGE TRAFFIC

New York City has four great vehicular bridges connecting it with Brooklyn and is building another giant bridge across the Hudson to connect it with New Jersey.

On a given date in 1928, on which a count was made, 194,566 vehicles and 1,364,618 individuals crossed these bridges.

New York City has a vehicular tunnel known as the Holland Tunnel connecting it with New Jersey.

In January, 1929, 638,735 vehicles, an average of nearly 21,000 a day, passed through this tunnel.

FARMS

It is interesting to note that, according to the last Federal census, New York City, which was then approaching in size and facilities its record of to-day, should have had 810 separate farms with an area of more than 20,000 acres and products valued at over $3,500,000.

The products were chiefly corn and potatoes.

In the last nine years farms have had to give way to make room for homes and factories.

No accurate statistics are available on the number now existing.

New York City is the oldest incorporated city in the United States.

It contains 308.95 square miles of 197,727 acres. Its highest natural elevation is Todt Hill in the Borough of Richmond—430 feet—but this height is exceeded by its tallest building, the Woolworth Building, which is 58 stories and 792 feet in height.

BANKS

New York City has 38 State banks, 56 national banks, and 38 trust companies, a total of 132, with a total capital on March 22, 1929, of $663,976,800 and total deposits of $9,851,833,200. The capital has been increased by $317,000,000, while deposits have gone up nearly $3,000,000,000 in seven years. The total resources of New York national and State banks and trust companies on March 22, 1929, was $13,017,328,800.

The city has 67 savings banks. On July 1, 1928, their total deposits were $3,298,162,021.

Bank clearings in the fiscal year ending September 30, 1928, were $368,917,656,546, about four times what they were in 1915.

EDUCATION

New York City has 927 elementary and high schools, of which 664 are public schools and 263 are parochial schools.

There were 38,433 teachers in these schools and over 1,190,000 pupils.

The total city appropriation for teachers' salaries in 1929 was $111,017,364.

New York City has 37 institutions of higher education, including 13 general colleges and universities. There are 8 schools of medicine and 2 schools of law in addition to law schools connected with the larger universities, 5 technical institutions, and 4 schools of theology.

The city has 1,584 churches with a membership in 1927 of 1,611,299.

The value of the church property in New York City is over $286,000,000.

FARM RELIEF—PREROGATIVES OF THE TWO HOUSES

Mr. WALSH of Montana. Mr. President, I have sought for some days an opportunity and now embrace the occasion to supplement the argument made a week ago on the propriety from a constitutional standpoint of the action of the Senate in sending to the House of Representatives the farm relief bill with the debenture plan as a feature thereof. Although it was shown when the matter was last before the Senate that the Supreme Court of the United States has three several times decided the question at issue, the contention is still made in some quarters that, by virtue of the provision of the Constitution to the effect that all bills for raising revenue shall originate in the House of Representatives, the Senate invaded the prerogatives of the House in the action taken. It was denominated by the President pro tempore of the Senate as an affront and by a local newspaper as an insult to the House of Representatives.

I do not think, Mr. President, that any consideration of this subject would be quite complete without a reference to the speech made upon this question by former Senator Spooner, of the State of Wisconsin, some 25 years ago. This is by no means a new question. Innumerable controversies have arisen between the two Houses of Congress concerning the application of this particular provision of the Constitution. The distinguished Senator from Ohio [Mr. BURTON], whose ability as a lawyer every one having any knowledge of him must recognize, referred to another speech on another occasion by Senator Spooner, dealing with this subject, in which he argued that the word "raising" in the constitutional provision referred to does not mean "increasing," but means "acquiring" or "getting" or "receiving." He argued, accordingly, that a bill which reduced revenues was as much a bill for raising revenue as a bill which increased taxes or duties. I fully agree with that. I think there can be no doubt at all that that contention is correct; but it by no means follows, Mr. President, that a bill that actually repeals a law imposing a tax is a bill for raising revenue. No definition can be given to the word "raising" in the Constitution which, as I view it, could include a bill of that character.

I realize, as was suggested by the distinguished leader of the Republicans in this body, the wisdom and, indeed, the necessity for harmonious action between the two branches of Congress in order that the public business may be transacted at all. I do not think, however, that such harmony is to be arrived at by either body acceding, without discussion, to any whim or caprice that may be indulged in by the other body, but it is to be arrived at by careful and dispassionate consideration of the questions that arise from time to time, each of the Houses endeavoring to resolve it upon the basis of reason and authority, so far as its action can be guided by authority.

Mr. President, I wish to recall to the attention of the Senate the fact that in 1926 we originated in this body what was generally known as the McNary-Haugen bill. It contained, as is well understood, the equalization-fee feature, which was nothing more nor less than a tax imposed upon every commodity which was to be favored under that particular legislation, and the amount thereof was to be paid into the Public Treasury. The bill passed this body with such a provision as that in it. It went over to the House of Representatives, was considered by the House without the question of any invasion of its privileges by the action of the Senate being raised by anyone. It was passed by the House and sent to the President, by whom it was vetoed. The Senate passed Senate bill 4808 and sent it to the House of Representatives on February 11, 1927. In that House it was substituted for House bill 15474, was passed on February 17, 1927, and was vetoed by the President on February 25, 1927.

It will be borne in mind, Mr. President, that the debenture feature of the farm relief bill passed by this body a short time ago does not undertake to put a dollar into the Treasury of the United States. By its operation revenue which would otherwise go into the Treasury does not go into the Treasury. On the contrary, the equalization-fee feature of the McNary-Haugen bill actually put money into the Treasury, yet not a word by way of opposition on constitutional grounds was urged in the House of Representatives to that measure. It would appear accordingly that those who now contend that the farm relief bill recently passed offends the constitutional provision are straining at a gnat when they easily swallowed a camel.

Mr. BROOKHART. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. WALSH of Montana. I yield.

Mr. BROOKHART. I should like to call the attention of the Senator from Montana to the intermediate-credit bank law which, in the Senate, was known as the Lenroot bill. I think the Senator from Montana made the argument the other day that where a tax is originated in the Senate, but is only incidental to the main feature of the bill under consideration, it is not a violation of the constitutional provision. The Lenroot bill which we passed provided for a franchise tax; it is called a tax in the law, and raises money, in that case, for the Treasury of the United States. Yet that bill went over to the House and was received without any question in 1923.

Mr. WALSH of Montana. I thank the Senator for the information. I have no doubt that innumerable instances might be cited of bills originating in this body which, by virtue of some of their provisions, brought money into the national Treasury being debated, considered, and concurred in by the House without any objection upon constitutional grounds.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Virginia?

Mr. WALSH of Montana. I yield.

Mr. SWANSON. If I remember accurately, the Senator from Montana who is now addressing the Senate objected to the McNary-Haugen bill at that time on account of its being unconstitutional.

Mr. WALSH of Montana. My objection on constitutional grounds, however, was not founded upon this particular provision of the Constitution. I made no objection upon that ground at all.

I referred, Mr. President, to the address of former Senator Spooner in this body. The bill then under consideration related to the Panama Canal. A bill originated in the House of Representatives and, coming over here, everything after the enacting clause was stricken out, and there was inserted in lieu thereof a provision by which the tax on Panama Canal 2 per cent bonds was reduced from 1 per cent to one-half of 1 per cent. At that time there was a general law providing that the holders of all 2 per cent bonds issued by the Government of the United States should pay a tax thereon of 1 per cent. It was intended to put the Panama bonds upon the same basis. The 2 per cent bonds carried a one-half per cent tax, but the Panama Canal act provided that the bonds issued under that act bearing 2 per cent interest should be taxed to the extent of 1 per cent. The Senate bill provided for the reduction of that tax from 1 per cent to one-half of 1 per cent, and it would, therefore, be a revenue bill if it were simply a matter having to do with the reduction of a tax, but it was an amendment to the act for the construction and operation of the Panama Canal, and it was just merely to amend that particular feature of the fact.

I will read some extracts from the address of former Senator Spooner, as a considerable portion of his address is found in the second volume of Hinds' Precedents at section 1494, on page 963. Senator Spooner said:

> If the House of Representatives is correct in its view that the bill is a bill "for raising revenue," within the meaning of section 7 of Article I of the Constitution, certainly the bill is properly returned and must rest here.

I should say in this connection that the Senate substitute was offered by the then eminent Republican leader, Senator Aldrich, of Rhode Island, who argued against the contention then made by the House that the bill was a bill for raising revenue and should originate in the House of Representatives.

Senator Aldrich having completed his argument, he was followed by Senator Spooner. He said:

> If the House of Representatives is wrong, the Senate has no right to yield its jurisdiction. No department of the Government has any right to surrender any portion of the power or responsibility with which the Constitution has clothed it. It is vital, both as to the National Government and to the State governments, that the line of demarcation drawn by the framers of the Constitution of the United States and of the various States between the three independent and coordinate branches of the Government shall be observed always with the utmost strictness, to the end that neither shall in the slightest degree invade the other.

He continues:

> But, Mr. President, if the House of Representatives, 357 of whose Members voted for this resolution challenging the power of the Senate—rising to make it more solemn—is right, then the Senate is deprived of

a legislative jurisdiction which from the foundation of the Government it has exercised and it is weakened in the legislative power to the detriment of the public interest.

He then proceeds to discuss the question, and says:

Under existing law the 2 per cent canal bonds heretofore authorized could, when issued, be used as a basis for national-bank circulation. Under existing law the tax upon that circulation would be 1 per cent. The law which is made by this bill to apply to the canal bonds relates to 2 per cent bonds, and to encourage their purpose and use as a basis for bank circulation reduces the tax from 1 per cent to one-half of 1 per cent. So the bill which was returned to us was simply a bill bringing these 2 per cent canal bonds upon the same basis in respect of taxation with all 2 per cent bonds of the Government.

Is it possible, Mr. President, that it can with reason be said that the object of this bill is to "raise revenue" for the support of the Government?

The question is this: Is the bill, which was introduced as a separate proposition by the Senator from Colorado [Mr. Teller], and which the Senate passed, a revenue bill within the meaning of section 7 of the first article of the Constitution?

"All bills for raising revenue shall originate in the House of Representatives."

This brings us to the question: What is a "revenue bill" within the meaning of the Constitution?

The definition is well settled, thus:

"Revenue laws: Laws made for the direct and avowed purpose of creating and securing revenue or public funds for the service of the Government." (Anderson's Law Dictionary, p. 899.)

This embraces clearly all bills passed in the exercise of the taxing power, whether in the form of customs duties or internal-revenue taxation, for the purpose of raising money for the support of the Government.

This definition excludes, and the constitutional provision was intended to exclude, bills passed in the exercise of constitutional powers other than the taxing power, even if they operated to raise revenue or even if they imposed incidentally a tax or taxes to secure the more efficient and successful exercise of the power.

Such bills or laws have never been, either in practice or judicially, deemed "revenue" bills or laws.

Congress enacts laws from time to time which operate to raise revenue. The post office laws operate to raise revenue. Congress frequently changes the post office laws so as to raise more revenue. But it has not been contended for many years—it was once—that those were revenue bills within the meaning of this clause of the Constitution.

The power to create national banks is a power which exists in Congress. It is not the sole prerogative of either House. It is not the taxing power. It is legislation which Congress may enact under the money power; and the Supreme Court of the United States has so decided. The taxation imposed from the beginning upon the circulation of national banks is purely incidental to the exercise by the Congress in creating national banks, in supplying the people with the circulation of national banks, of a distinct power vested by the Constitution in either House. * * *

Mr. President, the definition of "revenue laws" which I read to the Senate is taken from Mr. Justice Story (see United States *v.* Mayo, 1 Gall. 398, and Story on Constitution, sec. 880), and the Supreme Court, in the case of United States *v.* Norton (91 U. S. 568), had occasion to consider carefully the question as to what is meant by the phrase "revenue bill" or what the word "revenue" as used in section 7 of Article I of the Constitution means. This was a post-office money order case.

"The Constitution of the United States, Article I, section 7, provides that 'all bills for raising revenue shall originate in the House of Representatives.'

"The construction of this limitation is practically well settled by the uniform action of Congress. According to that construction it 'has been confined to bills to levy taxes in the strict sense of the words and has not been understood to extend to bills for other purposes which incidentally create revenue.' (Story on the Constitution, sec. 880.) 'Bills for raising revenue' when enacted into laws become revenue laws. Congress was a constitutional body sitting under the Constitution. It was, of course, familiar with the phrase 'bills for raising revenue' as used in that instrument and the construction which had been given it.

"The precise question before us"—

That is, as to what was meant by a "revenue bill" under this clause of the Constitution—

"came under the consideration of Mr. Justice Story, in the United States *v.* Mayo (1 Gal. 396). He held that the phrase 'revenue laws,' as used in the act of 1804, meant such laws 'as are made for the direct and avowed purpose of creating revenue or public funds for the service of the Government.' The same doctrine was reaffirmed by that eminent judge in the United States *v.* Cushman, 426."

These views commend themselves to our judgment.

Here is an interesting and original discussion of the question, and I will take but a moment with it before I bring to the attention of the Senate a decision by the Supreme Court of the United States declaring this very section involved between the Senate and the House not to be a revenue bill within that clause of the Constitution invoked by the House. I read from the case of the United States on the relation of Oran C. Michels *v.* Thomas L. James, postmaster of the city of New York (13 Blatchford's Circuit Court Repts. 207). After quoting the clause, "All bills for raising revenue shall originate in the House of Representatives," the court says:

"Certain legislative measures are unmistakably bills for raising revenue. These impose taxes upon the people, either directly or indirectly, or lay duties, imposts, or excises for the use of the Government, and give to the persons from whom the money is exacted no equivalent in return, unless in the enjoyment, in common with the rest of the citizens, of the benefit of good government."

That is a well-thought-out distinction and definition.

"It is this feature which characterizes bills for raising revenue"—

Taxes levied throughout the United States upon all coming within the purview of the act to raise revenue for the general uses of the Government and of all of the people—

"It is this feature which characterizes bills for raising revenue. They draw money from the citizen; they give no direct equivalent in return. In respect to such bills it was reasonable that the immediate representatives of the taxpayers should alone have the power to originate them. Their immediate responsibility to their constituents and their jealous regard for the pecuniary interests of the people, it was supposed, would render them especially watchful in the protection of those whom they represented. But the reason fails in respect to bills of a different class. A bill regulating postal rates for postal service provides an equivalent for the money which the citizen may choose voluntarily to pay. He gets the fixed service for the fixed rate, or he lets it alone, as he pleases and as his own interests dictate. Revenue, beyond its cost, may or may not be derived from the service and the pay received for it, but it is only a very strained construction which would regard a bill establishing rates of postage as a bill for raising revenue, within the meaning of the Constitution. This broad distinction existing in fact between the two kinds of bills, it is obviously a just construction to confine the terms of the Constitution to the case which they plainly designate. To strain those terms beyond their primary and obvious meaning, and thus to introduce a precedent for that sort of construction, would work a great public mischief. Mr. Justice Story, in his Commentaries on the Constitution (sec. 880), puts the same construction upon the language in question and gives his reasons for the views he sustains, which are able and convincing. In Tucker's Blackstone only, so far as authorities have been referred to, is found the opinion that a bill for establishing the post office operates as a revenue law. But this opinion, although put forth at an early day, has never obtained any general approval; but both legislative practice and general consent have concurred in the other view."

I read further from the address of Senator Spooner. He is referring now to the case of the Twin City Bank against Nebecker, in One hundred and sixty-seventh United States, heretofore commented upon by the Senator from Arkansas [Mr. ROBINSON]. He quotes from the opinion in that case as follows:

The case is not one that requires either an extended examination of precedents or a full discussion as to the meaning of the words in the Constitution "bills for raising revenue." What bills belong to that class is a question of such magnitude and importance that it is the part of wisdom not to attempt, by any general statement, to cover every possible phase of the subject. It is sufficient in the present case to say that an act of Congress providing a national currency, secured by a pledge of bonds of the United States, and which, in the furtherance of that object, and also to meet the expenses attending the execution of the act, imposed a tax on the notes in circulation of the banking associations organized under the statute, is clearly not a revenue bill which the Constitution declares must originate in the House of Representatives.

Mr. Justice Story has well said that the practical construction of the Constitution and the history of the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word, and are not bills for other purposes which may incidentally create revenue. (1 Story on Constitution, sec. 880.)

That was the language of Mr. Justice Story long ago, incorporated in this opinion and expressly affirmed, and also in the Ninety-first United States, by unanimous decision of the Supreme Court. The court continues:

"The main purpose that Congress had in view was to provide a national currency based upon United States bonds, and to that end it was deemed wise to impose the tax in question. The tax was a means for effectually accomplishing the great object of giving to the people a currency that would rest primarily upon the honor of the United States and be available in every part of the country. There was no purpose

by the act or by any of its provisions to raise revenue to be applied in meeting the expenses or obligations of the Government."

Now, Mr. President, I do not intend to take further time. Here is to be found, under the strongest possible sanction, a definition of the word "revenue," as used in this constitutional provision, made a great many years ago by Judge Story, practically adopted by both bodies ever since, sustained by a number of decisions which I have not stopped to even note, and lastly sustained in language too plain for dispute by the Supreme Court of the United States. Nothing can be plainer than that this bill and kindred bills do not fall within that definition.

There seems to be no answer to the suggestion of the Senator from Rhode Island [Mr. Aldrich] that if section 1 as sent to us by the House of Representatives is a revenue bill within the meaning of section 7 of article I of the Constitution we have a right under that clause to add to it a tariff bill or amendments to the internal-revenue law. An attempt to treat the bill as a revenue bill for such a purpose could not fail to excite derision.

Mr. President, so much reference has been made to the opinion of Story on the matter that I desire to read to the Senate the paragraph to which reference was made.

Section 880 in the first volume of Story is as follows:

What bills are properly "bills for raising revenue," in the sense of the Constitution, has been matter of some discussion. A learned commentator supposes that every bill which indirectly or consequentially may raise revenue is, within the sense of the Constitution, a revenue bill. He therefore thinks that the bills for establishing the post office and the mint, and regulating the value of foreign coin, belong to this class and ought not to have originated (as in fact they did) in the Senate. But the practical construction of the Constitution has been against his opinion. And, indeed, the history of the origin of the power already suggested abundantly proves that it has been confined to bills to levy taxes in the strict sense of the words, and has not been understood to extend to bills for other purposes, which may incidentally create revenue. No one supposes that a bill to sell any of the public lands, or to sell public stock, is a bill to raise revenue, in the sense of the Constitution. Much less would a bill be so deemed which merely regulated the value of foreign or domestic coins, or authorized a discharge of insolvent debtors upon assignments of their estates to the United States, giving a priority of payment to the United States in cases of insolvency, although all of them might incidentally bring revenue into the Treasury.

So, Mr. President, if this is the true rule—that all bills that bring revenue into the Treasury are revenue bills within this provision of the Constitution—all of our legislation concerning the disposition of the public lands consists of bills for raising revenue, because all of them bring some money into the Treasury; all of them provide for the payment of fees; and most of them, or many of them at least, provide for payment for the land itself, and that money goes into the Treasury. Yet, Mr. President, if all bills of that kind are bills for raising revenue, the power of this body to originate bills is restricted within relatively narrow limits.

Mr. President, we do pass these bills here and send them over to the House without any question being raised. For instance, there was approved May 10, 1918, a bill originating in the Senate providing for fees to be paid in money order cases either raising or lowering the amount to be paid. We passed an act providing for loaning money to farmers in the Northwest to enable them to buy seed. The result of that was that they would be obliged to repay those loans, and the money that was repaid by them would come into the Treasury. Equally, such a bill would be a bill for raising revenue, if all bills bringing money into the Treasury should be held to be bills for raising revenue.

Likewise, thereafter we provided that under certain circumstances the people who made the loans and had not paid them should be forgiven the loans, so that the money would not come into the Treasury, and in that respect that measure was identical with the bill now under consideration, because it arrested the passage of revenue from the taxpayer into the Treasury. Yet no objection was made to that.

Naturalization laws usually provide for the payment of some fees by the applicant for naturalization into the court before which the proceedings are had, and that money goes into the Treasury of the United States. Thus it incidentally raises some revenue. We would be denied, likewise, the opportunity to pass laws upon that subject.

Mr. CARAWAY. Mr. President, the laws relating to practice and procedure in the courts would be revenue bills, if the contention urged were sound.

Mr. WALSH of Montana. Exactly. It will be perceived at once if the basic principle is admitted at all, that any bill which brings money into the Treasury is a revenue bill, the power of this body to originate legislation will be reduced to almost negligible proportions.

Not only has this matter been settled and determined, put past all discussion or controversy at all, by the decisions of the Supreme Court of the United States, but the same question has arisen in many of the States. Most of them have similar provisions in their constitutions, and the decisions of the State courts are uniform to the same effect, that bills for raising revenue are only those which levy a tax upon the people for which there is no return, for the purpose of meeting the general needs of the Government, and that a bill which brings some money into the Treasury, but which result is only incidental to the general purpose of the act, is not a bill for raising revenue. Such was the decision of the Supreme Court of Oregon in the case of State against Wright, Fourteenth Oregon, 365; in the case of Anderson against Ritterbusch, in Oklahoma, reported in Ninety-eighth Pacific, 1002; in the case of Colorado National Life Insurance Co. against Clayton, Fifty-fourth Colorado, 147; in the case of Evers against Hudson, Thirty-sixth Montana, 147; and in North Carolina in the case of Hart against Board, One hundred and thirty-fourth S. E., 403.

This list is by no means exhaustive, and I desire to say, in this connection, that a very thorough search of the authorities has revealed no decision by any State court contrary to the holding of the Supreme Court of the United States in the three cases to which reference has heretofore been made.

Mr. President, in some remarks submitted some days ago by the junior Senator from Ohio [Mr. BURTON] he indicated that there was some doubt about this matter, as might be gathered from two cases referred to by him, the case of Warner against Fowler, in Fourth Blatchford, and the case of Burton against Bromley, Twelfth Howard, 88. I am very sure the Senator from Ohio could not have been aware of the fact that the case of Warner against Fowler, in Fourth Blatchford, to which he referred, has been repeatedly overruled by courts of equal dignity with that announcing the opinion. I read from page 943 of One hundred and sixty-second Federal Reporter the case of Peoples United States Bank against Goodwin, an opinion by the circuit court for the eastern district of Missouri.

Warner *v.* Fowler, supra, was decided in the Circuit Court for the Southern District of New York by Judge Ingersoll in 1859. It was there held that a postmaster was a revenue officer within the meaning of section 3 of the act of March 2, 1833, citing United States *v.* Bromley as conclusive authority for this ruling. But this case has been clearly overruled by the same court in Victor *v.* Cisco (5 Blatchford 128, Federal Cases No. 16,934), and Stevens *v.* Mack (5 Blatchford 514, Federal Cases No. 13,404), and at least by implication by what was decided by the Supreme Court in Philadelphia *v.* Diehl, supra.

So it has been expressly overruled twice by the same court by which it was announced, and is found to be contrary to a third decision of the Supreme Court of the United States.

Burton against Bromley, in Twelfth Howard 88, a decision by the Supreme Court of the United States, is, to my mind, clearly overruled by United States against Norton in Ninety-first United States 566–569. Burton against Bromley was a proceeding arising out of an act which authorized a writ of error in cases arising under the revenue laws. A postmaster was accused of some offense, and he sought a writ of error by which a judgment in revenue cases might be reviewed by the Supreme Court of the United States, and he was allowed to sue out the writ, the court there holding that the law in question was a revenue law.

That is entirely inconsistent with the decision in United States against Norton, in Ninety-first United States 566–569. That was a case in which an employee in the Post Office Department was indicted for embezzlement. The general statute of limitations, as is well known, is three years, but there is a special statute of limitations, applicable to offenses committed against the revenue laws, of five years—that is to say, for a general offense the statute of limitations runs against the offense in three years, but for an offense against the revenue laws the statute does not run out for five years.

It was contended by the Government that this was an offense against the revenue laws, and therefore that the 5-year statute was applicable and the conviction was proper. The Supreme Court, however, held that it was not an offense against the revenue laws, that although the statute provided for the payment of some money into the Post Office Department, and accordingly into the Treasury of the United States, the legislation was for the purpose of regulating the postal affairs of the country, and not a bill for raising revenue, and therefore the 5-year statute did not apply; and the 3-year statute was available to the defendant, and he was dismissed.

There does not seem to be any longer any question about this matter, either upon the authority of the Federal courts or upon the authority of the State courts. Indeed, if adjudication by

the courts can put the matter beyond controversy or cavil, that situation arises. It has become hornbook law, so that the principle is announced in the twenty-sixth volume of the American and English Encyclopedia of Law, page 539, in the following language:

In which house bills may originate: Generally, bills may originate in either house and may be amended, altered, or rejected in the other house. There is a general exception, however, to the effect that bills for raising revenue must originate in the lower house. But this exception is generally held to apply merely to laws whose primary object is the raising of revenue, and a bill which has some other legitimate and well-defined purpose does not become a bill for raising revenue so that it must originate in the lower house merely because, as an incident to the main object, it may contain some provision for the payment of certain dues, license fees, or taxes.

Mr. President, we are confronted with this situation. This provision puts no money into the Treasury; it prevents money from going into the Treasury. It becomes necessary, therefore, to establish that a bill for raising revenue is a bill that embraces not only bills that put money into the Treasury, but embraces bills which prevent money from going into the Treasury. It likewise becomes necessary to establish that it is the main purpose of the bill to put money into the Treasury, and not that the bill has as its primary purpose some other object, but merely incidentally operates to put money into the Treasury. Were it not for the source from which this suggestion comes, it might be justifiable to repeat the language of Senator Spooner, that the contention can only excite derision.

Mr. GEORGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH of Montana. I yield.

Mr. GEORGE. Even if the debenture were payable out of the Treasury, and did not merely intercept funds going into the Treasury, it still would not be a bill for raising revenue within the meaning of the Constitution.

Mr. WALSH of Montana. Of course, if it were a bill to get money out of the Treasury, it would be in the nature of an appropriation bill, not a revenue bill.

Mr. GEORGE. Yes.

Mr. WALSH of Montana. That would again raise the question as to whether under the Constitution bills appropriating money must originate in the House of Representatives.

Mr. GEORGE. Exactly. If, however, the purpose of the debenture plan, so-called, is to grant a bounty to farm products, the main purpose being to give relief to the producers of those products, even if that debenture or bounty were payable directly out of the Treasury, it would not be, in the strict constitutional sense, a bill for raising revenue, would it, in the opinion of the Senator?

Mr. WALSH of Montana. I should say not, because it would not only be simply incidental to the main purpose of the bill, and thus would not fall under the condemnation of the Constitution, but it likewise would not be a bill for raising revenue at all. It would be a bill taking money out of the Treasury. It would be an appropriation bill.

Mr. GEORGE. I think the Senator is quite right, and I think a casual glance at this particular bill illustrates that this can not be a bill for raising revenue. The bill as it was introduced in the House proposed a scheme for farm relief. One of the provisions of the bill was the authorization of an appropriation of $500,000,000 out of the Treasury of the United States. When the bill came to the Senate, keeping in mind the same general primary purpose—that is, farm relief—we simply attached the additional provision contained in the debenture plan in the bill. It can not in any proper sense of the word be said to be a bill for the raising of revenue.

Mr. WALSH of Montana. I thank the Senator for his comments. I merely desire to remark that I do not imagine that anyone can doubt that the primary purpose of this particular legislation is to grant relief to the farmer, and this is only one of the methods proposed by the bill for the purpose of accomplishing that end. If we admit the principle that a bill to fall under the condemnation of the Constitution must be one, the primary purpose of which is the raising of revenue, no one can contend that this bill would be of that character.

LAW ENFORCEMENT—PRESIDENT HOOVER'S ADDRESS

Mr. HEFLIN. Mr. President, a few days ago there was printed in the RECORD an article from William Randolph Hearst criticizing the President's speech before the Associated Press in New York City. I have here a reply from the Woman Voter, which I have been requested to ask to have printed in the RECORD. I now submit the request.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[From the Woman Voter, Washington, D. C., May, 1929]

WE NEED NEWSPAPERS THAT WILL ADVOCATE RESPECT FOR LAWS AND UPHOLD THE PRESIDENT

The Woman Voter does not agree with a well-known publisher that President Hoover's address on law enforcement at the Associated Press luncheon in New York was a shot in the air—a blank cartridge discharged against a blank wall.

Everybody knows the laws ought to be enforced.

Everybody knows the President is doing his level best to enforce the laws in agreement with the obligation of his office.

It is ridiculous for this publisher to make the charges he does with nothing to back up what he says.

If editors with such wide ranges of publicity through the chain system of newspapers would be as zealous in advocating respect for law and observance of law as they are in writing editorials and filling their columns with disrespect of law, we would have more respect for our laws and better observance.

The Jones Act has done much already to break up the liquor rings throughout the Nation—and it seems strange that any responsible editor would give so much valuable space to criticizing the President when he is carrying out his pledge to his people.

There are serious reasons for believing that there exists a virtual conspiracy to so lower the morale of the public that it will be unable to defend itself against this organized element working to break down respect for our laws.

It seems to us since the women played so important a part in helping to elect President Hoover it now behooves them to stand by him and help to stop some of this propaganda by these wet newspapers.

The Woman Voter thinks a good plan would be to start a boycott against firms advertising in these wet newspapers who continue to criticize and embarrass the President when he is doing his duty.

Let our newspaper editors know that we are alert and are backing our President 100 per cent and if needs be we are willing to use such drastic means to stop this flood of wet propaganda by certain newspapers in this country.

We are glad that the Republican Party in power realizes that the referendum on the wet and dry issue was settled in the past campaign and that as the drys were the victors, they with the majority who put Mr. Hoover in office are entirely satisfied up to the present with the position taken by the President, and it now behooves these wets to follow and back up the President.

MOLLIE DAVIS NICHOLSON.

FEDERAL AND JOINT STOCK LAND BANKS

Mr. BLEASE. Mr. President, I ask permission to have inserted in the RECORD three articles in reference to the farm-loan bank situation.

The VICE PRESIDENT. Without objection, it is so ordered. The articles are as follows:

[Reprinted from Chicago Journal of Commerce, April 27, 1929]

ROUND TABLE OF BUSINESS—FEDERAL AND JOINT-STOCK LAND BANKS' MANAGEMENT SHOWN TO NEED ATTENTION

By Glenn Griswold

While we are worrying about agricultural relief and passing a law to bring it about, it may be fair to ask why Congress and the administration do not pay a little more attention to a miserable situation which prevails in the structure Congress set up to finance the farmer.

There is practically no dissent from the opinion that one of the things most vitally needed by agriculture is adequate credit at a reasonable price. To meet this need Congress created the Federal land banks and the joint-stock land banks, along with intermediate credit banks and other agencies. These furnished the farmer with nearly $2,000,000,000 at a rate much lower than that at which farm credit ever had been available before, and frequently at a rate lower than that available to industries whose security was as sound and considerably more liquid.

Then came the collapse of farm values, which wrecked thousands of banks, ruined hundreds of thousands of farmers, and put heavy burdens on the agricultural finance agencies that were operating under Government control.

During that period of stress two of the large joint-stock land banks and one small bank failed, and others encountered difficulties from which they have recovered slowly. Some of the Federal land banks would have failed, except for help from other land banks and the support of Federal resources. That but three of these institutions failed at a time when everything finding root in agriculture was tottering offers some testimony of fundamental strength.

The principal part of the difficulties met by these institutions grew directly out of the collapse of 1921. In so far as human failure contributed to their difficulties, the Farm Loan Board has a much larger responsibility than the aggregate of the theoretical managers of those

institutions. Indisputable evidence of bad banking on the part of the managers of a few of these banks has been disclosed. Charges of dishonesty might be proved against one or two of them; but for the most part the amazingly bad judgment, poor management, and reckless loaning find responsibility in Washington.

There is room for improvement in the personnel of the Federal Farm Loan Board, as it is now constituted, but there is vastly more ability to be found in the board to-day than in some of the boards of the past.

From the beginning joint-stock land banks were stepchildren. The board undertook to dominate every activity. The board appointed the most incompetent lot of examiners and appraisers, and forced these upon the bankers over their protest. Some of the soundest of the joint-stock land banks to-day are those which defied the board, and, for the most part, hired or trained their own appraisers; and among some of these exceptionally strong joint-stock land banks practically the only foreclosures they have experienced have been those on properties appraised by the board's appraisers in the early days.

In authorizing a loan the board had before it exactly the same set of information that was before the directors and managers of the local bank. In addition, the board had the recommendation of its own appointees, while in most cases the local boards and executives were passing judgment on the recommendations of employees, in whom they had no confidence, and whose ability they had every reason to doubt.

When the trouble came, the board did everything possible to destroy the credit of the joint-stock land banks. Borrowers, stockholders, and bondholders of the banks were circularized with snooping letters suggesting that something was wrong and asking leading questions obviously tending to arouse suspicion and to destroy credit.

Since the worst of the trouble has been over, the banks have been harassed by bureaucratic domination, and have had very little cooperation. While local managements and local creditors' committees have been struggling to reorganize banks and restore their credit, little help and much embarrassment have been the board's contribution.

The result is that the securities of some of the soundest of these institutions are selling at a severe discount. The whole system is almost inoperative. The bankers can not make loans in a normal manner because their credit will not support the bond issue necessary to provide funds.

And yet the investors in these securities were invited to make their commitments in good faith, in securities which were plainly labeled "An instrumentality of the Government of the United States," under the terms of the law and by the consent and at the direction of the Federal Farm Loan Board and the Government as a whole.

There would seem to be a Government obligation here that is not being discharged.

[From the News and Courier, Charleston, S. C., Friday morning, May 17, 1929]

ASK JURISDICTION CHANGE FOR CASE—HORNE DAMAGE SUIT DEFENDANT WOULD HAVE TRIAL IN FEDERAL COURT

COLUMBIA, May 16.—The Federal Intermediate Credit Bank of Columbia, Frank H. Daniel, J. Downs Bell, and W. J. Thomas, defendants in the $1,500,000 damage suit brought by R. C. Horne, jr., who has been indicted on charges to violate the Federal farm loan act, to-day filed a petition for removal of the case to United States District Court for Eastern South Carolina.

Howard C. Arnold, also a defendant in the Horne action, is not a party to the removal, as he has not yet been served with a summons or a process of the proceedings.

The defendants—Arnold excepted—will apply Tuesday morning at the court of common pleas here for an order moving the case to the Federal court and also will move that Horne be ordered to file in the office of the clerk of court the original complaint in the action "to the end that certified copies thereof may be made and entered and filed in the District Court of the United States for the Eastern District of South Carolina.

Bond for the removal petition was also filed to-day along with the petition. The notice was signed by W. J. Thomas and D. W. Robinson, prominent Columbia attorneys.

In his original complaint filed in the court of common pleas here May 3, Horne alleges that, on three separate counts, he had been damaged by the defendants to the extent of $250,000 each. In addition, he asked for $750,000 in punitive damages.

SHOULD THEY BE LIQUIDATED?

Is the Federal intermediate credit bank of benefit to American farmers?

Is the Federal farm-loan banking system beneficial to American farmers? Has it fulfilled its design of enabling landless men, tenant farmers to buy land? It was a Democratic administration measure, but that does not make it sacred—even in South Carolina.

Are the Federal joint-stock land banks converting tenants into landlord farmers?

That a system of banks was established 14 or 15 years ago, has earned profits, has erected buildings out of them, and gives employment to thousands of persons are not in themselves reasons why the system should be perpetuated.

The pertinent question is, Have these banks fulfilled the objects of their establishment?

Are the people of Beaufort County, S. C., more prosperous by reason of the Federal intermediate credit bank?

When these banks have losses who pays them?

Is this country dotted with small farms, owned by the men who operate them, by reason of the special banks instituted for farm relief?

Granted that these banks authorized by law for the assistance of farmers are making profits, is that any reason why they should not be liquidated? Why should the Federal Government engage in money-making?

The News and Courier is not prepared to say that the Federal farm banks have failed of their purpose, but it is far from convinced that they contribute to the development and prosperity of the American farm industry.

It is time that the American people be informed about them. It is time that the whole system be investigated.

Unless it be clearly and positively proved that the Federal farm banks are of considerable and substantial assistance to agriculture, the acts of Congress under which they are chartered should be repealed and the banks liquidated.

DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of the Representatives in Congress.

Mr. VANDENBERG obtained the floor.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator from Michigan yield for that purpose?

Mr. VANDENBERG. I yield.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	La Follette	Smith
Ashurst	George	McKellar	Smoot
Barkley	Gillett	McMaster	Steck
Bingham	Glenn	McNary	Steiwer
Black	Goff	Metcalf	Stephens
Blaine	Goldsborough	Moses	Swanson
Blease	Gould	Norbeck	Thomas, Idaho
Borah	Greene	Norris	Thomas, Okla.
Brookhart	Hale	Nye	Townsend
Broussard	Harris	Oddie	Trammell
Burton	Harrison	Overman	Tydings
Capper	Hastings	Patterson	Vandenberg
Caraway	Hatfield	Phipps	Wagner
Connally	Hawes	Pine	Walcott
Couzens	Hayden	Pittman	Walsh, Mass.
Cutting	Heflin	Ransdell	Walsh, Mont.
Dale	Howell	Reed	Warren
Deneen	Johnson	Robinson, Ind.	Waterman
Dill	Jones	Sackett	Watson
Edge	Kean	Sheppard	Wheeler
Fess	Kendrick	Shortridge	
Fletcher	King	Simmons	

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present. The Senator from Michigan will proceed.

Mr. VANDENBERG. Mr. President, I should like now to recall the Senate to the unfinished business which is presumed to be before it. I want briefly to present an explanation of the philosophy upon which the reapportionment section of the pending bill has been built. I should be very happy to submit to any interruptions at any time, but I should prefer so far as possible to be permitted the courtesy of proceeding consecutively.

In the first place it is appropriate to say that although there is but one precedent in 140 years for putting reapportionment and census legislation together—and I am referring in this connection to the law of 1850—nevertheless there is every basis in logic and reason for precisely the interwoven relationship which is established and maintained in the bill now pending at the Senate's bar. I am making that statement on the basis of the indisputable proposition that a census has but one constitutional function, namely, that of providing Congress with a basis for the reapportionment of its own membership. Since this is the obvious and exclusive relationship between the census and reapportionment in the Constitution itself, surely it follows as a matter of elementary reasoning that when the census and reapportionment appear together in the pending bill they are but appearing in harmony with the theory of the fundamental charter of government.

Mr. President, I certainly intend to take none of the time of the Senate to argue the basic proposition that a reapportionment is fundamentally vital under a correct theory of our constitutional institutions, fundamentally vital to the theory

and ongoing of representative government. Surely that now is accepted as an axiom. Regardless of whether the letter of the Constitution writes a specific mandate calling for a specific apportionment definitely every 10 years or not, I feel quite sure there will be no hostility shown to the proposition that the spirit of the Constitution does require precisely that thing, and that in this instance the spirit of the Constitution is the thing that giveth life. I submit there is no argument against such a proposition at all.

We all know that the one rock upon which the Constitutional Convention itself nearly broke in 1787 was the perplexing difficulty of resolving a formula for representation so that the inevitable quarrel between the large center of population and the small center of population could find a solution upon some rule of equity. As we all know, the solution that was found called for the establishment of a bicameral legislature, with the Senate at one end of the Capitol, representing the States, regardless of their size, and with the House of Representatives at the other end of the Capitol, representing populations, regardless of where they might be.

Without that composition in 1787 there never could have been a Constitution resultant from the deliberations of that convention, and, Mr. President, without the maintenance of the rule set down under that composition there can not be perpetuated republican institutions within the theory of the Constitution in the United States. It would do no more violence to fundamental constitutional theory and equity to change the basis of a State's representation in the Senate of the United States than it would to ignore the necessity that populations shall be honestly and accurately reflected in the apportionment of Representatives at the other end of the Capitol. So, I submit as an axiom that we do confront the decennial necessity for rectifying whatever errors in apportionment each decennial census may disclose.

I can think of no greater wrench to the whole theory upon which America is reared than to ignore this hypothesis. It is particularly true, Mr. President, because it involves not only the representation enjoyed by peoples in the House of Representatives but it also involves the organization and representation and validity of the Electoral College which chooses Presidents of the United States. Any infirmities which attach to the House of Representatives and its apportionment attach in turn with precisely relative effect to the Electoral College and its choice of Presidents. Thus we find that the reapportionment challenge involves not only the integrity and the equity of a constitutional House of Representatives but it involves precisely the same element of integrity and equity in the Electoral College and in the choice of Presidents of the United States. It is, in other words, the wellspring from which flows the entire representative genius of American institutions. It is the root source of articulating democracy. That article is rightfully Article I in the Constitution, because it is the fundamental article upon which the entire balance of the structure, not only legislative but executive, has been erected.

Mr. President, from 1790 to 1910 there never was a decade when the acknowledgment of these theories of representative and constitutional government was not prompt, precise, honest, and adequate. Until the ugly default which the country has suffered since the census of 1920, until that particular trespass, Congress theretofore never permitted more than two years to intervene between the completion of the enumeration of the people and the reflection of that enumeration in a new apportionment. From 1790 to 1920 there was a continuous, unbroken record of faithful reflection of census figures in apportionment arithmetic; and yet since 1920 it has been absolutely impossible to procure the consent of the Congress to the recognition of this fundamental responsibility. Congress has spurned its duty with contempt.

The House of Representatives acted in 1921; the Senate refused to act. The House of Representatives acted in January, 1929; the Senate again refused to act. The Senate, in other words, holds the primary responsibility for an 8-year stalemate during which time the representative genius of American institutions has been throttled.

What is the result? Is that merely an academic sort of a challenge, or is there a reality in the menace involved in the default? What is the result of the failure of Congress to do since 1920 that which every other Congress did with prompt efficiency from the founding of the Government down to 1910? Although in words it expresses great solicitude for comity in relation to the House of Representatives, the Senate's actions speak louder than its words. What is the result of the refusal of the Senate to permit the House to answer its own problem in its own way or in any other way? Here are some of the results; and I submit that these are far from academic considerations: They are considerations so fundamental in their possible effect upon American Government that they ought to have first place in the consideration of the Senate not only now but so long as there still fails to be an answer. What are some of these results?

In the first place, Mr. President, there are to-day, according to available estimates, 32,000,000 Americans robbed of their legitimate spokesmanship in the House of Representatives. This is Exhibit A. That is a rather formidable sector of the American people to be without the spokesmanship that the Constitution solemnly promises them and intends they shall have.

What is the next exhibit? The next result is that there are as a result of that disfranchisement, based upon prospective 1930 census figures, 23 misplaced seats in the House of Representatives. That again is a large margin of ugly error in our reflection of constitutional verities and in our effort to give the American people that equitable and true reflection of power in the House of Representatives which the Constitution expects them to have.

What is the third exhibit which reflects the net result of this default and lapse? Mr. President, it is not only 23 seats misplaced in the House of Representatives, but looking forward to the presidential election of 1932 it involves also 23 misplaced votes in the next presidential electoral college. Is that a condition to be contemplated with equanimity? Is there anything about that which is a joke? Is there anything about 23 misplaced presidential electoral votes that offers anything except a solemn, sober challenge to the American conscience if it is thinking in terms of tranquillity and constitutionalism?

As I said a few months ago upon the floor of the Senate—and I want to repeat it now—the late Vice President of the United States, Thomas R. Marshall, told me time and again that when he was a youth during the electoral crisis of 1876 all he wanted was just one word from Samuel J. Tilden to shoulder a gun and march on Washington. We know to what an extent popular prejudice and popular passion can be touched and aroused in presidential campaigns; we know how near to an open breach the country can come when there is just one presidential electoral vote standing in the balance, as in 1876. What would be the prospect with 23 misplaced presidential electoral votes involved in a possible conflict of that character to-morrow or the day after? The contemplation is laden with veritable dynamite.

I submit, Mr. President, that too much emphasis can not be put upon the proposition that when reapportionment involves within it such vital factors as these it becomes a problem which deserves the primary and immediate attention of Congress and as to which Congress can not possibly find an excuse to expiate its treacherous silence if it longer declines to proceed.

The result of the failure of Congress to reapportion itself as I have indicated touches the integrity of the House, the integrity of the presidential electoral college, and involves in turn, of course, the reflected measure of representation which the various States enjoy in their political national conventions; but fundamentally—and that ought to be enough all by itself—it is an outrage upon the Constitution of the United States itself. No man can deny this challenge. So much for the premises. Such was the situation in which we found ourselves a few weeks ago when we returned to Washington for the purpose of again attacking this difficulty and this default.

Now, in what manner does the proposed legislation undertake to meet this situation? Mr. President, the pending bill undertakes to propose not only a cure for 1930 but a cure for 1940 and 1950 and so long thereafter as the Congress is willing to permit this enabling act to stand. It is not a mere temporary expedient revolving around a dispute over a few seats in the lower House of Congress. It is far more than that; it lifts itself to a greater and higher vision. It undertakes for the first time since 1850 to parallel and authenticate the Constitution of the United States with an enabling act which declares that the Constitution shall mean what its spirit intends, and which proposes that Congress shall not retain an option to nullify it at will.

How would the bill work? May I say parenthetically that this is no novel contribution of my own; this is no ingenious invention of the Committee on Commerce of the Senate; this is precisely the formula, on the contrary, which the House of Representatives itself approved in its own right as its own expression of its own belief as to how its own primary problem should be handled. And what is the formula? Probably the easiest way to understand it is to personify it; so we will apply it specifically to 1930 and thereafter. We will apply it as it would apply in that particular decennium; and this is the net result:

The census would be taken in November, 1929. On the first day of the second regular session of the Seventy-first Congress,

which is December, 1930, the President of the United States would report to Congress the mathematical result obtained, first, in the census figures previously completed; second, in the mathematical calculation showing how that census would apportion a House of Representatives of the existing size by the method of apportionment obtaining in the last previous apportionment.

Now, mark you, the President is making a ministerial report. He is making it in December, 1930. He is reporting the arithmetic of a census plus the application of a mathematical formula to this census arithmetic. That is all he is doing. He sends these findings to the Congress, and he is through. Now what happens?

Congress has that entire session in which to pass its own apportionment law on any basis it wants to, with any size House it wants to erect, by any method it wants to embrace, in any fashion it seeks to indicate. It is a free agent.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Michigan yield to the Senator from Mississippi?

Mr. VANDENBERG. I yield.

Mr. HARRISON. How long does that Congress last, under the law—what number of days?

Mr. VANDENBERG. The Senator is quite familiar with that. It lasts an unfortunately short time; and I have no doubt the Senator is recalling the ease with which a filibuster can be used in a short session to defeat reapportionment. He is a specialist in that respect.

Mr. HARRISON. I am very glad to hear the Senator say "an unfortunately short time." That is the very reason why some of us think that if the power of Congress is to be surrendered by it and delegated to the President, it certainly ought to be put off to a time in which the Senate can consider it, because the Senator is familiar with the fact that during the short session of Congress we have the great supply bills to pass, and there are not more than 75 days at most in which we must consider everything.

Mr. VANDENBERG. We will discuss the delegation of power in a moment. In the meantime we will examine the reality of the menace which my distinguished and amiable friend from Mississippi conjures in this particular situation. He is desperately afraid that there is not going to be time in the short session for Congress to pass a reapportionment law. He is an expert in the field of filibuster, and I can well understand what is in the back of his head. But experience is the best teacher, not only in respect of filibusters but also in respect of gainful results; and I remind my friend from Mississippi that five out of the last six reapportionment acts have been passed in precisely these very short sessions which he fears will not have time to do the job.

Now, Mr. President, proceeding with the indication of how the law will operate in 1930 for the purpose of personifying the formula:

I think we had reached the point where the President submits the arithmetic, and where Congress has that entire session in which to accomplish its own independent apportionment if it sees fit. If it does not see fit, or—as the Senator from Mississippi indicates, and I freely concede it could be possible—if it is unable to act, then, as soon as that Congress is done and adjourned, the arithmetic which had been previously reported to the Congress, indicating the count of the country and its proper mathematical apportionment under prior standards and specifications, automatically becomes the new apportionment.

The net result, as I see it, is nothing more nor less than the provision of life insurance for the Constitution. It is a warrant for the basic formula upon which the entire genius of our democracy depends.

So much for the proposed answer. I have presented very briefly the need for legislation of this character; I have presented briefly the theme of the proposed answer; and now I desire to advert briefly to the necessity for this particular automatic type of apportionment legislation.

Mr. BLACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Alabama?

Mr. VANDENBERG. I yield to the Senator from Alabama.

Mr. BLACK. Before the Senator leaves that proposition; as I understand, the President makes this report. Suppose that no filibuster is conducted, but that the Congress overrides the President's finding as to the number of Representatives. That is done, and they finally pass the bill 10 days before the Congress adjourns, and the President vetoes it, by pocket veto or otherwise. Does the apportionment that the President has made then become the law? Is that true?

Mr. VANDENBERG. I shall be glad to answer the Senator. The President has made no apportionment, to begin with; so that portion of the Senator's premise is incorrectely stated.

Mr. BLACK. Does the allotment that he has made to various States become the law by his veto?

Mr. VANDENBERG. That is correct.

Mr. BLACK. Then it places it absolutely within the President's power under those circumstances, does it not, to determine how many Representatives the States shall have?

Mr. VANDENBERG. I will respond to that question if the Senator will permit me to proceed consecutively with the answer.

Mr. BLACK. That was in line with the suggestion the Senator has just made.

Mr. VANDENBERG. That is correct.

The junior Senator from Alabama conjures many speculations as to the jeopardies which might result if a long parade of "ifs" were to intervene.

Mr. BLACK. Mr. President——

Mr. VANDENBERG. Just a moment; let me finish, and then I will gladly yield further to the Senator.

Mr. BLACK. I desire to ask the Senator——

The PRESIDING OFFICER The Senator declines to yield.

Mr. BLACK. All right.

Mr. VANDENBERG. If Congress should decide to pass an independent apportionment law in 1931, and if it should thus act by majority, and if the President should wish to defeat the will of Congress, and if the President therefore should veto the act of Congress, and if Congress could not muster a two-thirds vote to pass the legislation over the President's veto, and if the congressional apportionment were thus defeated, and if the automatic provisions of the pending proposal were thus precipitated, would not this bill tie the hands of Congress? That seems to be the Senator's question. This is the answer:

I think that every law, finally and somewhere, has to rely upon the human equation. Wise legislation can do no more than make a miscarriage of human judgment as remote as possible. It is removed to the *n*th degree in the hypothesis submitted by the Senator from Alabama. He presupposes a vicious Executive and an infirm Congress.

Mr. BLACK. Mr. President, will the Senator yield there?

The PRESIDING OFFICER Does the Senator from Michigan yield to the Senator from Alabama?

Mr. VANDENBERG. Just a moment, and I will gladly yield.

Mr. BLACK. The Senator has made a statement that I presupposed something which I do not. I desire to correct the Senator.

Mr. VANDENBERG. I yield to the Senator.

Mr. BLACK. I presuppose a Congress which is meeting in short session, and which everybody knows can not pass a law over the presidential objection. That is exactly what I presuppose there; and I do presuppose further that any President is likely to believe that the allotment he has made for a State is the correct one, and that, therefore, in addition to having the prestige of his office to prevent changing it, he would like to veto the bill if it were changed; and I presuppose further that in that short session, if there were any possibility of getting a bill through at all, it would be too late to pass it over his veto.

Mr VANDENBERG. Now will the Senator permit me to proceed with what I conceive to be an answer to his question?

Mr. BLACK. I shall be delighted; but if the Senator makes a statement of what I presuppose, I want to have the opportunity of interpreting it for myself.

Mr. VANDENBERG. I now renew the statement that every law must ultimately depend upon a human element for its virility. I call the Senator from Alabama from his day dreams about pyramiding hypothetical "ifs" back to the reality that in the existing situation we have seen eight years of constitutional nullification which has had no "ifs" whatever in it; and as between the two exposures I submit that the hypothetical, theoretical exposure which he has described is of but casual consequence compared to the importance of reenfranchising the equivalent of 23 representative districts in the American Union.

Mr. President, I had started to discuss, when I was detoured, what I conceived to be the need for an automatic apportionment law.

I submit that the experience of the past eight years proves that this problem can not be left wholly to Congress. That is not a reflection upon the virtue of any Congresses that are to follow. That is not any attempt to arrogate to this Congress any superior virtues over those that have been or are to be. It is simply the acknowledgment that we confront a condition and not a theory. Human nature is human nature; and in these great shifts of population which are now going on in our American Republic it is going to become inevitably more and more difficult to get men to sit down and frankly and unselfishly con-

cede that the trends of population call for a penalty upon them in order that the constitutional rights of other constituencies may be recognized and acknowledged. It is constantly more and more difficult, I repeat, to hope for the type of voluntary reapportionment which we have had from 1790 to 1910.

During that period it was a very simple thing merely to increase the size of the House in order to accommodate the situation, so that every State which otherwise would lose seats could have, within the new total, ample protection, so that no State would lose. That was a very simple and easy way to meet these conflicting human elements involved in the apportionment problem. But, Mr. President, in proceeding by that routine we finally reached a House that has a total of 435 in its membership, and we finally confront a decennium in which, if that convenient and expedient formula were again to be followed, we would have to have a House of 532 Members in order to accomplish any such result.

Surely there is no difference of opinion that the time has come when the total size of the House must be limited. Surely the time is here when no longer can this former expedient formula be longer pursued. So, I repeat, because of these new and emphatic trends in population, plus these new and emphatic necessities for limiting the size of the House, we have reached the point where it no longer is safe or possible, as demonstrated during the last eight years of constitutional trespass, to leave the problem wholly to the voluntary instincts and attitudes of Congress itself.

Here is another reason, and a very important reason, why this automatic rule needs to be erected and invoked. The Federalist Papers, the oracle of the Constitution, said this:

> A power equal to every possible contingency must exist somewhere in the Government.

I think that is an axiom that can not be gainsaid. It is a dreadfully vitally important statement of a fundamentally vital and unavoidable national need. I repeat it:

> A power equal to every possible contingency must exist somewhere in the Government.

Without this legislation, Mr. President, where is the power to meet the contingency which the American Republic has confronted for the past eight defaulting years? Without an enabling act of this character, where is the power in the structure of American Government to force integrity into the representative structure?

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. GEORGE. Is not the power in Congress at any time to pass this legislation?

Mr. VANDENBERG. The semblance of power is, Mr. President, but apparently not the inclination.

Mr. GEORGE. The Senator is quoting from some one he declares to be the oracle of the Constitution, and his language is "power." Let me ask the Senator, if his position were right, could he not make the same argument in favor of an appropriation to maintain an army and a navy, and the Post Office Department through any number of years to come?

Mr. VANDENBERG. No; I think not, Mr. President. I think that is carrying the analogy to an impossible extreme.

Mr. GEORGE. I do not think it is, Mr. President, if the Senator will pardon me, because what I am trying to say is that the power does exist in the Congress at the proper time to make the apportionment, just as it exists to make an appropriation to maintain an army or a navy. The Senator is insisting on a scheme to exercise in futuro the power, and to foreclose, in a measure, future Congresses from exercising the power. It would be just as tenable, it seems to me, to say that we should make appropriations through a long number of years in advance to support the Army.

Mr. VANDENBERG. I disagree with the Senator's hypothesis; and as perhaps amplifying the viewpoint which I have already expressed, let me quote from another point in the Federalist papers. I am not presenting the Federalist papers as sacrosanct in any sense of the word, but I think it will be generally conceded that they are a reasonably profound thesis upon American Government and not to be lightly ignored. What else do we find in the Federalist papers? I quote again:

> In framing a government which is to be administered by men over men, the greatest difficulty lies in this, you must first enable the government to control the governed, and, in the next place, you must oblige it to control itself.

That is the contemporary need, Mr. President—to oblige the Government to control itself.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. BLACK. The Senator is familiar with the fact, is he not, that, going back a little behind the Federalist papers, to the Constitutional Convention, an amendment was proposed such as the Senator now proposes, in the following words:

> And the legislature shall alter or augment the representation accordingly.

The argument was made there that if that did not become a part of the Constitution Congress would not alter and adjust representation, and the argument was made by Mr. Morris that that objection implied a distrust of the fidelity of Congress, and that the best course that could be taken would be to leave errors of the people to the representatives of the people.

The Senator is familiar also, is he not, with the fact that the Constitutional Convention declined to put that provision into the Constitution, which he now says, quoting from the Federalist papers, written after the Constitution was written, was implied as a part of the Constitution?

Mr. VANDENBERG. Yes; I am entirely familiar with all that and I am not trying to write it into the Constitution now, either. But I also am familiar with another quotation which my distinguished and erudite friend from Alabama used upon the floor a few days ago when he quoted Mr. Randolph, of Virginia, upon this subject. When Mr. Randolph anticipated the precise difficulty in which we now find ourselves, asked for a specific constitutional provision to meet it, and the convention refused to give it to him. The Senator would say that this foreclosed for all time the possibility of doing the precise thing which Mr. Randolph wanted to do.

Mr. BLACK. If the Senator will yield there, I did not say that at all. I say it forecloses you unless you do it in the constitutional way, which is to amend the Constitution and place that provision in the document when they have themselves declined to put it in and have expressly said that they left it in the hands of Congress. I claim that it is a violation of the spirit of the Constitution to attempt to take it out of the hands of Congress and place it in the hands of the President.

Mr. VANDENBERG. Is the Senator contending that this pending measure is unconstitutional?

Mr. BLACK. I am contending that if the Senator wanted to have the Constitution amended he would be following a natural and normal course, but that when the Senator proposes to put the power into the hands of the President he is proposing that which the Anglo-Saxon race has been fighting since its beginning.

Mr. VANDENBERG. The Senator now is attempting to quote me. He is very insistent upon being correctly quoted himself. Suppose he shows equal precision in quoting me. I am proposing to put nothing into the hands of the President except the responsibility to do a mathematical job which can come to but one result, just as two and two make four, and I shall discuss that in detail a little later. I would prefer, if that is the direction in which the Senator is trending, that he should abide a few moments until we reach that point.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. BLACK. The President has the power, when he is determining that calculation, to say whether that census is right or wrong; he has the right to say whether it was right in Michigan and whether it was wrong in Alabama. He has a right to use a flexible method of major fractions that will take away a Representative from Alabama, and that has taken away one in the past when the mathematics itself gave a Representative to that State.

Mr. VANDENBERG. Does the Senator object to flexible systems?

Mr. BLACK. I object to a flexible system placed in the hands of the President, which he could use to alter the representation which might be called upon to elect his successor.

Mr. VANDENBERG. Last February the Senator objected to the then pending bill because he said it was inflexible.

Mr. BLACK. No; I did not object to it because I said it was inflexible. The Senator is wrong about that.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. VANDENBERG. I am delighted to yield.

Mr. HARRISON. Is there any difference in that respect between this bill and the bill to which the Senator now alludes?

Mr. VANDENBERG. Yes, Mr. President; I am coming to that in a moment, if the Senator will abide.

Mr. HARRISON. Did that bill include the provision refering to major fractions?

Mr. VANDENBERG. About which bill does the Senator inquire now?

Mr. HARRISON. The one to which the Senator alluded.

Mr. VANDENBERG. The bill reported in February?

Mr. HARRISON. Yes.

Mr. VANDENBERG. Yes.

Mr. HARRISON. And this bill includes the major-fraction provision?

Mr. VANDENBERG. It does not, except as Congress may again fail to do its duty in 1930.

Mr. HARRISON. The Senator wants to be fair with the Senate.

Mr. VANDENBERG. Yes; and the Senator would like to discuss that in his own time when he reaches it.

Mr. HARRISON. I know; but does not the bill the Senator is now championing provide that the method to be employed is that which was employed in 1910, and was not the method employed in 1910 that of major fractions? Is not that true?

Mr. VANDENBERG. I shall be glad to discuss major fractions with the Senator in a few moments.

Mr. HARRISON. I have not asked the Senator about that. Will not the Senator admit that this bill carries with it the major-fractions method?

Mr. VANDENBERG. The Senator will admit that this bill costs Mississippi two Representatives to begin with.

Mr. HARRISON. The Senator does not want to answer the question.

Mr. VANDENBERG. And the Senator will admit that this bill provides for major fractions——

Mr. HARRISON. That is all right, then.

Mr. VANDENBERG. Just a moment; in the event that Congress shall fail to enact its own independent apportionment law in 1930-31, and not otherwise.

Mr. President, proceeding with what I had intended to be a brief discussion, and which I suppose is inevitably controversial, and yet which I am not offering at this moment in that spirit, because I am merely at the present time presenting to the Senate a theory upon which this legislation has been built, I would like to go on with the disclosure, as I have been attempting to make it, consecutively.

I have undertaken to present, first, the unanswerable need for a decennial reapportionment; second, the formula by which this bill would undertake to meet that need; third, the particular necessity for an automatic feature to this end in this new measure.

I want to discuss briefly two or three of the objections that are urged against the bill. I probably can not satisfy my good friend across the aisle in my statement of these objections, but I am sure he will supply in vehemence at a later date anything I lack at the present moment in attempting to set up the hypothesis.

I want to ask the question of myself, first, whether this does involve, in reality, an improper delegation of congressional power. So far as I am concerned, I am bound to answer that question in the negative. I do not see how any rational analysis can come to any other conclusion. The bill delegates no power, as I see it. The bill calls upon the President to report the result of a census to the Congress. We have always depended upon somebody to report the result of a census to us. The bill calls upon the President, when he reports the result of the census, also to report the result of a problem in arithmetic. If the President did not present the answer to that problem in arithmetic, somebody else would have to do the problem in arithmetic, because, no matter what method is embraced for purposes of apportionment, there is inevitably needed a formula which, like a chemical formula, may in itself be somewhat inscrutable, and yet which always reaches the same conclusion.

I think there will be no dispute whatever of the proposition that if any mathematician be given a certain census figure and a certain size of the House of Representatives to which you want to arrive, and a specifically identified method of working the problem, whether by major fractions, or equal proportions, or minimum range, or any other method, under those circumstances every mathematician would get the same answer to what is purely a mathematical problem. If that is so, then the arithmetic which the bill asks the President of the United States to do for us is in no sense a delegation of power. It is solely and singly and simply a request for a mathematical deduction which is fixed and certain in its net results. I can see no untoward delegation of power in that part of the bill.

I might say at this point parenthetically that the President of the United States is substituted in the bill as the person who shall make the computation and report instead of the Secretary of Commerce, who was identified in the bill last February simply and solely because it was my own personal notion that if we were to accomplish a permanent end through the passage of permanent legislation it were better to name a constitutional officer rather than a statutory officer. I have quite no pride of opinion at that point and I think it makes quite no difference, because everybody will get the same answer when we undertake to do that problem in arithmetic. Therefore I submit again that there is no delegation in the terms of this act of what is properly described as power.

Mr. President, the Supreme Court has repeatedly passed upon this type of thing. I apologize for undertaking to quote law. I am no lawyer. But these quotations are so pertinent in their application that even a layman would seem to be entitled to find validity in the observation.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Michigan yield to the Senator from Nebraska?

Mr. VANDENBERG. I yield.

Mr. NORRIS. If it will be any consolation to the Senator in his apology for quoting law because he is a layman, I would like to call his attention to a recent debate that took place behind closed doors in which it was demonstrated to the satisfaction of a majority of the Senate that there is nothing in being a lawyer in order to be made a judge or anything of that kind, but the layman does the best job after all.

Mr. VANDENBERG. Regardless of credentials I will offer these observations. In the very famous case of McCulloch against Maryland the Supreme Court has said:

> Let the end be legitimate, let it be within the scope of the Constitution; and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, and consistent with the law and spirit of the Constitution, are constitutional.

It is equally settled that the delegation of a purely ministerial function by the Congress—which I submit is all that is involved in this instance—in pursuit of these ends, is beyond constitutional question.

I now quote from the opinion in Union Bridge Co. against United States, reported in Two hundred and fourth United States, page 264:

> It is not too much to say that a denial to Congress of the right, under the Constitution, to delegate the power to determine some fact of the state of things upon which the enforcement of its enactment depends would be to stop the wheels of government and to bring about confusion, if not paralysis, in the conduct of public business.

Mr. President, I can think of nothing that would bring about greater confusion in the conduct of public business, I can think of nothing which could more readily stop the wheels of Government, than a permanent default in reapportionment. Therefore it strikes me as a layman that the law itself as interpreted by its adjudicators justifies the conclusion that in a situation of this character there would be an excuse for a delegation of real power, whereas there is no delegation of real power at all in the pending bill. There is merely the delegation of a ministerial duty to apply a fixed and certain mathematical formula to fixed and certain hypotheses with a fixed and certain net result.

I submit that that takes from Congress absolutely nothing but its right of inertia. I will concede that it takes that from Congress. It does make it impossible for Congress to do what it has done during the past eight years by way of default and contempt and trespass. If that is a right that belongs to Congress, then there is some ground for protest. But that is not a right unless the Congress assumes to be greater than the Constitution itself. We are not the masters of the Constitution. We are its servants. Otherwise we live in an elective despotism. It would be well for Senators to remember that Edmund Burke was everlastingly right when he numbered some of our restraints among our greatest liberties.

Hurrying on now in what I had intended, I repeat, to be but a brief analysis of the theory upon which the bill has been built, I want to discuss the specific changes that have been made in it as compared with the so-called Fenn bill which came from the House of Representatives last February and which was talked to death on the floor of the Senate.

The changes are comparatively few. Such changes as have been made have been made upon my part in a very earnest effort to meet in some degree some of the criticism which has been leveled in the past at legislation of this kind. I think we have succeeded to some extent in meeting the criticism, although I do not concede for a moment that the criticism was justified. But we have made two or three changes, and the chief change, the one of greatest interest and concern, is a change which eliminates needless and controversial detail at that particular point in the bill which describes the size of the House of Representatives and the method by which seats shall be allocated.

I have had the vain hope that those changes might end the war of the quotients; but whether they do or not, they at least

take out of the pending measure any specific identification and leave to the serial judgment of Congress, if Congress wants to exercise that judgment, the method by which these results shall be obtained. If Congress again refuses or fails to act in 1930, then it is quite obvious that since the bill preserves the status quo as related to method and size of the House it also retains the so-called method of major fractions as the basis of the formula, but if Congress does what it is supposed to do, if Congress does what Senators upon the other side of the aisle have protested their eagerness that it shall do, if Congress does pass its own independent apportionment act in 1930 it can assess equal proportions or minimum range or any other method for handling remainders, and thereafter this measure will recognize it as an authentic system. In other words, this bill undertakes in this matter of detail to accommodate this permanent enabling act to the serial decisions of Congress.

It has been very unfortunate heretofore as I have seen it that such great emphasis has been put upon the matter of method. It has seemed to me that this emphasis reflected a search for excuses rather than reasons for opposition because, Mr. President, when we come down to the realities and the facts, the question of method would have affected but three seats out of 435 in 1920 and on the basis of the 1930 estimate it can affect but one seat out of 435. Yet in spite of that disparity we have spent hours and hours contemplating the monstrous imposition, as it has been ludicrously described, of this method or that method for handling remainders, whereas all the time the great body of the seats in the House, the great body of the seats in the electoral college, could not be affected one whit by whatever method we might choose. Camouflage never aspired to larger confusion than in this irrational effort to magnify the choice of a method.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Mississippi?

Mr. VANDENBERG. I yield.

Mr. HARRISON. May I ask the Senator if there is one seat in the House affected by a method that is not fair, does not the Senator think that the fair method should be then adopted?

Mr. VANDENBERG. Yes, indeed; I certainly do. Now, we are back to the age-old quarrel as to whether major fractions is fair or whether equal proportions is fair. I am not going to enter that field this afternoon other than to say that the dispute over the mathematical formulæ for handling remainders very largely rotates around a difference of opinion among the great mathematicians and the great political economists and the experts of the country. No man has ever yet succeeded in bringing the experts into a common agreement upon definitions. During the recess from March 4 to April 15 I thought perhaps the greatest service I could render the discussion, if I could render any, would be to procure an armistice in this war of the quotients and I did succeed in obtaining an armistice. Whereas there had been disagreement theretofore regarding the language that should be used in an apportionment bill, there is absolutely no disagreement to-day among those experts related to the Government over the language that should be used in this type of ministerial apportionment.

The language of the bill is approved by Doctor Steuart, the Director of the Census, and it is the first time he ever approved language dealing with methods of handling remainders in his life.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Mississippi?

Mr. VANDENBERG. I yield.

Mr. HARRISON. The Senator says he has settled that war, and I congratulate him. Do Doctor Hill, Doctor Huntington, and Doctor Willcox, and all those gentlemen, who had diverse views with reference to various methods, now agree as to the best method to be employed?

Mr. VANDENBERG. Yes, Mr. President; so far as ministerial functioning is concerned; and if the Senator will bide himself in peace for just a moment, I will call the roll.

Mr. HARRISON. I just can not do so for the moment, because I want to ask the Senator a question.

Mr. VANDENBERG. I know the Senator's difficulty in keeping still.

Mr. HARRISON. Does the Senator now say that Doctor Hill thinks that the major-fractions method is the best method to be employed in apportioning the Representatives of this country?

Mr. VANDENBERG. The Senator from Michigan said nothing of the sort.

Mr. HARRISON. I know from reading the hearings that Doctor Hill has time after time, without any interruption, said that the equal-proportions method was the best and the fairest method and was consistent with the Constitution.

Mr. VANDENBERG. That is entirely correct.

Mr. HARRISON. Now, the Senator says he does not know whether Doctor Hill has come around to the major-fractions method idea or not; but just before that the Senator said that he and all the others were now together; that he had settled this great battle between the experts.

Mr. VANDENBERG. Has the Senator finished his oration?

Mr. HARRISON. Yes; I have finished.

Mr. VANDENBERG. Mr. President, I was saying that Doctor Steuart, the Director of the Census, indorses the language of the bill at the point where it provides for methods, being the first time, I believe, that he has ever indorsed any bill. I repeat to my genial friend across the aisle that Doctor Hill, the scientific expert assistant in the Bureau of the Census, who does believe in equal proportions as a primary mathematical preference, indorses the language proposed in this bill for a ministerial apportionment.

Mr. HARRISON. But may I ask the Senator——

Mr. VANDENBERG. Let me finish my reply, and I shall then be glad to yield to my friend.

Mr. HARRISON. I was merely going to say that this bill expressly names major fractions.

Mr. VANDENBERG. I beg the Senator's pardon; it does not name major fractions.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. VANDENBERG. I shall be glad to do so.

Mr. HARRISON. The bill reads:

> By apportioning the existing number of Representatives among the several States according to the respective numbers of the several States as ascertained under such census, by the method used in the last preceding apportionment—

Which was the major-fractions method.

Mr. VANDENBERG. Is the Senator through?

Mr. HARRISON. Yes.

Mr. VANDENBERG. The Senator might also read the other portion of the bill, which gives that particular method no validity and no authority whatever except in the event that Congress fails or refuses to do its own independent duty in 1930.

Mr. HARRISON. Yes; if that Congress in about——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Mississippi?

Mr. VANDENBERG. I yield.

Mr. HARRISON. If that Congress in about 60 or 75 days, in the rush of other business, can not consider the matter properly, then that method becomes the law by operation of law.

Mr. VANDENBERG. Mr. President, in addition to Doctor Steuart and Doctor Hill, the advisory council of the Census Bureau indorses the language proposed in this bill. I am now referring to Prof. Walter F. Willcox, of Cornell; Prof. George E. Barnett, of Johns Hopkins University; Prof. Robert E. Chaddock, of Columbia; Prof. W. I. King, of New York University; and Prof. George F. Warren, of Cornell. This complete committee—and that is its entire membership—met in Washington on April 13, 1929, and unanimously recommended the phraseology of the pending bill. That is not all. Three of the surviving members of the advisory committee of 1921—which was the last previous committee rendering a decision of kindred sort—joined in recommending the language of the bill.

Mr. HARRISON. Mr. President, may I ask the Senator from Michigan a question?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Mississippi?

Mr. VANDENBERG. And now I am quoting Prof. Carroll W. Doten, of Massachusetts Institute of Technology; Prof. Edwin R. A. Seligman, of Columbia; and Prof. Wesley C. Mitchell, of Columbia. Now I yield to the Senator from Mississippi.

Mr. HARRISON. The Senator said that three of those who signed this statement were members of the advisory committee which reported to Congress in 1921?

Mr. VANDENBERG. Three of the surviving members.

Mr. HARRISON. Yes. Those three surviving members in that report in 1921 praised and approved the equal-proportions method as a preferential method over the major-fractions method, did they not?

Mr. VANDENBERG. That is entirely correct; but, Mr. President, regardless of whether these experts believe in equal proportions or major fractions, they unite in agreeing that a ministerial act of this character should accommodate itself to the serial decisions of Congress in these concerns of detail, and they bury their differences over formulæ for the sake of a united

recommendation that this measure as drawn shall become the law of the land.

Mr. President, I think that covers, perhaps superficially, and yet, I hope, with sufficient explanation, the general philosophy and purpose which the authors of this bill, the Members of the House of Representatives who previously have approved it, and the Commerce Committee of the Senate, which has approved it, have had in mind in urging once more that the Senate confront its constitutional duty.

So this issue, a fundamental issue, again knocks for admission to the Senate's conscience. I hope that the improved and pending proposal speedily may arm the Government with this needed power to face emergencies. Its failure could involve portentous consequences; its success will encourage a sadly needed renaissance in constitutional fidelity. We can not ignore the power of our own example. When those in high places spurn one part of the Constitution it can not be a matter of surprise if their example encourages men in other places to spurn other parts of the same Constitution.

I take a sentence from a brilliant address of the distinguished senior Senator from Idaho [Mr. BORAH] on February 18 last. I quote:

> If those who make the law live in violation of the law, the ax already has been laid at the root of the tree of representative government.

With greatest pertinence that eloquent apostrophe can address itself to the pending problem. The root of the tree of representative government is the constitutional guaranty of equal rights in the Congress, which makes the law, and in the Executive, who administers it. Apportionment controls both. The ax is indeed laid at the root of the tree when apportionment is tortured.

I take also a cogent sentence from the inaugural address of the new President of the United States.

> Our whole system—

Said Mr. Hoover—

> Our whole system of self-government will crumble if officials elect what laws they will enforce.

Self-government crumbles, Mr. President, in its very vitals if the representative structure falls out of plumb, and the tragedy is doubly appalling if its sworn watchmen in public life neglect or ignore needful corrections in prudent time. I pray that this bill may pass. The census is important; the constitutional use of the census is still more infinitely important. To those who still look doubtfully upon this proposal I recommend the warning address in our constitutional beginnings to the critics who opposed the great charter itself:

> It is a matter—

I am again quoting from the Federalist papers—

> It is a matter of both wonder and regret that those who raise so many objections against the new Constitution should never call to mind the defects of that which is to be exchanged for it.

If there be defects in this proposal to provide for apportionment in each decennium hereafter, Mr. President, I beg of the Senate to remind itself of the alternative. It is idle simply to answer again and again that the problem should be left to congressional free will. Congressional free will upon this score has had paralysis for nearly a decade. There is no warrant that to-morrow's congressional inclination will be more scrupulous. No Senator will undertake to deny that a perpetuation of existing injustice may jeopardize the institutions of the Republic. We propose by the pending legislation to save all such contingencies. That is the sum total of its objective. It is a congressional formula for constitutional good faith.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Mississippi?

Mr. VANDENBERG. I yield to the Senator.

Mr. HARRISON. I inquire of the Senator when the last apportionment measure was passed by the State of Michigan?

Mr. VANDENBERG. I can not give the Senator the specific date, but I can say to him that it was infinitely longer ago than it should have been.

Mr. HARRISON. Can the Senator tell us whether it was 40 years ago or 2 or 3 years ago?

Mr. VANDENBERG. I should think it was probably 15 years ago. I hazard a guess.

Mr. HARRISON. Does the Senator tell us now, as a Senator from Michigan, that it has been 15 or 20 years since there was an apportionment in Michigan?

Mr. VANDENBERG. I think it was 10 years ago, Mr. President.

Mr. HARRISON. If the Senator thinks again, perhaps, he will get it down to five years.

Mr. VANDENBERG. I am giving the Senator my best recollection, assuming that he is asking the question in good faith.

Mr. HARRISON. I am. I really thought it was quite recent from the enthusiasm which the Senator is putting forth in behalf of the pending measure.

Mr. VANDENBERG. May I tell the Senator why there has not been a recent apportionment?

Mr. HARRISON. I think it would be interesting to us to hear the story.

Mr. VANDENBERG. Very well.

Mr. HARRISON. And I wish the Senator would tell us something of the editorials that he has written in his newspaper with reference to apportionment in Michigan.

Mr. VANDENBERG. I shall be delighted to do both.

Mr. WAGNER. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New York?

Mr. VANDENBERG. I prefer to answer the Senator from Mississippi first and then I will be glad to yield to the Senator from New York.

There has been in the Legislature of the State of Michigan, Mr. President, a perfectly frank unwillingness to do its constitutional duty within the State; there is no question whatever about that. But there has not been a time during the last eight years when the Michigan Legislature could relieve the Commonwealth of Michigan from the incubus and the injustice and the inequity put upon it by the failure of Congress to do its duty. So far as the participation of the junior Senator from Michigan in those debates in Michigan is concerned, the Senator from Mississippi will find not one word from me in which I have not always insisted that the State Senate of Michigan should be apportioned precisely on the theory of the Senate under the Federal system and that the House of Representatives should absolutely reflect population equities.

I now yield to the Senator from New York.

Mr. WAGNER. Mr. President, I have admired the Senator's enthusiasm as well as his sincerity upon this question; and I have been somewhat disappointed that he has not insisted more definitely that the taking of the census is quite as important as the matter of apportionment. Is it not the Senator's view that the census should be taken in an unbiased and impartial manner, and that the agency which does the enumerating should be free from any political influence or control?

Mr. VANDENBERG. I should think that would be a fine objective; yes, Mr. President.

Mr. JOHNSON. Mr. President, if there is no Senator who wishes to engage in general debate——

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Wisconsin?

Mr. JOHNSON. I yield.

Mr. BLAINE. I wish to inquire if the Senator from California desires to move for a recess?

Mr. JOHNSON. No; I was going to ask, if there is no desire to engage in general debate upon the bill, that we proceed to the consideration of the amendments that are pending.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Nebraska?

Mr. JOHNSON. I do.

Mr. NORRIS. May I say to the Senator from California that the question asked of the Senator from Michigan by the Senator from New York interests me very much; and I should like to ask the Senator from Michigan a question, if the Senator will permit me to do so.

The PRESIDING OFFICER. Does the Senator from California yield for that purpose?

Mr. JOHNSON. Yes; I yield.

Mr. NORRIS. I desire to ask the Senator from Michigan whether, in his judgment, this bill does just what was suggested by the question of the Senator from New York?

Mr. VANDENBERG. In my judgment it does it as nearly as it is humanly possible to do it.

Mr. JOHNSON. May I say to the Senator from Nebraska that I think the Senator from New York was indicating an amendment that he has by which the appointment of the supervisors, enumerators, and other employees should be placed under civil service. Am I not right, may I ask the Senator from New York?

Mr. WAGNER. Yes; the Senator is right.

Mr. JOHNSON. A perfectly appropriate matter of argument here; and for that reason I was suggesting, unless the Senator from Wisconsin desires to proceed with some discussion, a perfectly appropriate amendment, that ought to be presented as fully as it can be presented to the Senate for its determination of that subject.

Mr. NORRIS. May I further interrupt, and inquire of the Senator from New York whether he agrees with the Senator from Michigan that this bill does provide for taking the census in the manner that he has indicated by the answer to his question? Is the Senator from New York in agreement with the Senator from Michigan on that?

Mr. WAGNER. No; I am quite in disagreement with the Senator upon that subject.

Mr. NORRIS. Then it seems that there is a controversy as to whether this bill does provide for taking the census in the manner indicated by the question.

Mr. WAGNER. It does quite the contrary. A moment ago I sought the opportunity to answer the Senator's question; but the bill which is now pending goes farther than any census bill in recent years in making very certain that the field appointments are made without reference to civil service, because while heretofore the matter of the appointment of such persons has not been provided for in the legislation as to whether it was to be under the civil service law or without the civil service law, here, to make certain that no contention could be made that these field employees are to be appointed under civil service, there is a provision in the bill that all of these field appointments, 100,000 of them, are to be made without reference to civil service.

Mr. NORRIS. I should like to say that it seems to me that some provision of that kind on this bill, which is supposed to be a permanent law instead of a temporary one applying only to one census, is extremely important. From the question that the Senator from New York asked I suppose it is his object to try to put into permanent law a method of taking the census that will be free from political, or particularly partisan political, influences of any kind. If that is his object, I should like to volunteer to the Senator my weak assistance to try to carry it out. I am in entire sympathy with the proposition, more so on this kind of a bill than I would be on a bill that provided only for one census. But if this bill does not now properly safeguard the taking of the census and keeping it out of politics, and does not provide for a method by which we shall take 100,000 appointments off the political pie counter, we ought, before we pass it, to see that it does safeguard the law in that respect.

Most of the discussion so far has been upon another point in the bill; and I hope the Senator from New York, if he is contemplating an amendment that will bring about a better safeguard than now exists, will not be led astray by the more popular debate that may take place on some other points in the bill, because it seems to me he has taken hold of a vital proposition. I should like to see him succeed.

Mr. WAGNER. Mr. President, I assure the Senator that I am not going to be misled. So far as offering the amendment is concerned, I have it all prepared, ready to be offered. I did not even discuss the question with the Senator from Nebraska, because I know his advanced and progressive views on matters of government, and I knew that his support would come to this legislation without any solicitation on my part.

Mr. JOHNSON. Mr. President, may I say to the Senator from New York and to the Senator from Nebraska that I rose for the purpose of having the bill taken up now, and the amendments as they are reached in their appropriate course considered by the Senate; and of course the amendment of the Senator from New York in its due course, either immediately or at any time that he may desire, will be considered, and considered exactly as he or the Senator from Nebraska may desire. I recognize its importance; but I want it discussed, and it will be discussed upon the floor here, and the facts presented in respect to it.

Mr. BLAINE. Mr. President——

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. JOHNSON. Yes; but I desire to say to the Senator from Mississippi that I understand that the Senator from Wisconsin desires to proceed with an argument, and I was going to yield until he could make his remarks.

Mr. BLAINE obtained the floor.

Mr. HARRISON. Mr. President, will the Senator yield for moment?

Mr. BLAINE. Yes.

Mr. HARRISON. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARRISON. What is the pending amendment?

The PRESIDING OFFICER. The pending amendment is the amendment offered by the Senator from Kentucky [Mr. SACKETT] in line 15, page 16, after the word "State."

Mr. HARRISON. Will the Senator from Wisconsin permit me to ask the Senator from Kentucky a question?

Mr. BLAINE. I yield.

Mr. HARRISON. Would the Senator from Kentucky object to withdrawing his amendment temporarily, so that the pending amendment and the first one would be the one that we think goes to the very heart of this proposition—namely, the one that strikes out the last provision of the bill, delegating to the President of the United States the power to make this apportionment?

Mr. SACKETT. No; I have no objection to withdrawing the amendment temporarily, for another reason also. The Senator from Tennessee [Mr. TYSON] wishes to be heard on the amendment, and he is away from the city. With the consent of the Senator in charge of the bill, I will withdraw the amendment.

Mr. JOHNSON. So far as I am concerned, there is no objection in regard to the order in which amendments may be taken up; but may I say——

Mr. HARRISON. Let us let this amendment be pending, then.

Mr. JOHNSON. May I say that there are a half a dozen amendments exactly like that of the Senator from Kentucky, and we will pass them all by if it is his desire.

Mr. SACKETT. I did not want to lose the precedence which my amendment has in that class of amendments.

Mr. JOHNSON. The prestige that comes to the Senator from Kentucky from his amendment we will readily accord him. It shall be the Senator's amendment that will be considered.

Mr. SACKETT. It has already been pending, and I want it to be considered again.

Mr. JOHNSON. There are 16 others like it, sir.

Mr. BLACK. Mr. President, will the Senator yield to me to offer the amendment to which the Senator from Mississippi refers, and which has already been printed?

Mr. JOHNSON. I do not know what the Senator is referring to.

Mr. BLACK. This is the amendment to which the Senator from Mississippi refers, which I desire to offer and have pending.

Mr. JOHNSON. Let it be offered then; all right.

Mr. PHIPPS. Mr. President, if I may be permitted, may I ask consideration of three simple amendments which I have offered and which are printed, simply for the reason that I expect to be called out of the city, and may not be here to-morrow, when they would otherwise come up? I think they can be disposed of in a very few minutes, if there is no objection.

The PRESIDING OFFICER. Is there objection?

Mr. HARRISON. What are the amendments?

Mr. JOHNSON. May I inquire of the Senator if they are any other amendments than those that relate solely to the penal clauses, and that minimize the punishments that are inflicted?

Mr. PHIPPS. No; those are the only ones.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado?

Mr. HARRISON. Let the amendments be stated.

The PRESIDING OFFICER. The amendments will be stated.

Mr. PHIPPS. I send the amendments to the desk.

The LEGISLATIVE CLERK. On page 9, line 15, after the word "questions," strike out the remainder of the line.

Also, on page 9, line 17, strike out the numerals "$500" and insert "$100."

Also, on page 9, line 18, strike out "one year" and insert "60 days."

Also, on page 9, line 18, after the word "both," strike out the period and insert a comma and the following:

> And any such person who shall willfully give answers that are false shall be fined not exceeding $500, or be imprisoned not exceeding one year, or both.

Mr. JOHNSON. Mr. President, may I say to the Senator from Colorado that if these amendments are such as I apprehend them to be—that is, first, a reduction of the penalty from $500 to $100, a reduction of the imprisonment from 1 year to 60 days, and a transposition of the offense of willfully giving false answers—if those, and those alone, constitute the amendments, personally, I have no objection to them.

Mr. PHIPPS. May I say that the only purpose of the amendments is to distinguish between the man who neglects to answer a question and one who willfully gives a false answer to a question. I do not propose any reduction of the penalty as written in the bill for one who gives false information know-

ingly; but in the case where one innocently gives information that may be proved incorrect, the penalty of $100 or 60 days' imprisonment would seem to me to be ample.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. BLAINE. I do.

Mr. NORRIS. Does the Senator mean to say that the man who gives misinformation innocently shall be punished?

Mr. PHIPPS. If he refuses to give it, he is punished.

Mr. NORRIS. That is different from the Senator's statement.

Mr. PHIPPS. If he neglects to give it——

Mr. NORRIS. The Senator used the word "innocently."

Mr. JOHNSON. No; the language is "shall refuse or willfully neglect."

Mr. NORRIS. That is a different thing from innocently giving misinformation.

Mr. PHIPPS. I understand the Senator in charge of the bill to state that he has no objection to the amendments.

Mr. JOHNSON. So far as I am personally concerned, I have none.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from Colorado.

Mr. HARRISON. Mr. President, I really wanted to say something with reference to these amendments. It will not take very long.

The PRESIDING OFFICER. The Senator from Wisconsin has the floor. Does he yield to the Senator from Mississippi?

Mr. PHIPPS. I beg the Senator's pardon. He was standing back of me, and I did not understand that he had obtained the floor when I asked for permission to have these amendments considered at the present time. I did not want to interfere with his remarks.

Mr. BLAINE. Mr. President, my impression is that some of these amendments have not received the consideration to which they are entitled. I think it is rather late in the afternoon to undertake to perfect these amendments; and I suggest that they go over until the time fixed for the limited debate upon the bill and the amendments.

Mr. HARRISON. If the Senator will permit——

Mr. PHIPPS. Mr. President, if the Senator refuses to yield, of course, I must submit.

Mr. HARRISON. I want to make one observation. It does seem to me that these are the most logical and appropriate amendments which have been offered to the bill, because it is proposed that we give great authority to the President and to the Secretary of Commerce to scale down figures and to encourage the boosting of figures, in various communities. So it is natural that those who direct this legislation should want to cut in half the pillars that are to be opposed to such fraud and corruption and might be practiced under this legislation.

Mr. JOHNSON. Has the Senator concluded?

Mr. HARRISON. I wanted to say a few more things, but for the present——

Mr. JOHNSON. I simply want to say that that kind of poppycock is not going to interfere with the consideration of this bill in the slightest degree. The amendments were presented by the Senator from Colorado. Personally, I do not care a thing about them, and, so far as I am concerned, I accept them. But we are going to proceed with the consideration of this bill, and we are going to proceed in as orderly a fashion as we can, and we shall go ahead as well as we can. If the Senator from Wisconsin desires to present a matter and to make some remarks, very well.

The PRESIDING OFFICER. Did the Senator from Wisconsin yield for the offering of these amendments?

OPEN EXECUTIVE SESSIONS

Mr. BLAINE. Mr. President, early in the session to-day, out of consideration for the time of the Senate, I asked unanimous consent to have printed in the RECORD a certain newspaper item. I do not want to interrupt the consideration of the pending reapportionment bill, but to those Members who are so very determined that our Government should operate in secret, behind closed doors, I suggest, with all due consideration for their feelings, that it is up to them to enforce the rule of secrecy.

Mr. BLACK. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. BLAINE. Not at present.

The VICE PRESIDENT. The Senator declines to yield.

Mr. BLAINE. I will yield to the Senator very shortly.

We hear a great deal about law enforcement in these days, yet legislatures and Congresses continue regularly to write upon the statute books more laws, more rules, more regulations, and when they are so written, those in whose hands the enforcement rests continue to permit those same laws, those same rules, and those same regulations to be winked at. So it is with those who are determined to keep this Government under the cloak of secrecy.

There is a rule as a result of which it is alleged no Senator has a right to give information respecting that which transpires in the executive sessions of the Senate. That which is denied to Members of the Senate is apparently permitted to outsiders, and the Senators who stand for that rule have been twice challenged to enforce the rule which they regard so sacred, challenged in this Chamber on the occasion of the confirmation of the nomination of Mr. West, challenged here to-day by the public press, and on both of the occasions there has been published and broadcasted what purports to be information regarding the executive sessions of the Senate.

Whether or not the information so published is correct or not is not for me to say, because if I should so suggest then I might subject myself to the rigors of this rule, which the Senators who favor the rule by their silence refuse to enforce.

It appears to me perfectly ridiculous to undertake to enforce this rule of secrecy. It has not been done; it can not be done. Far better, therefore, that it should be wiped out of the rules of the Senate, else this body will be held in scorn, disdain, and contempt by the people of America, who believe their Government should function in the open and not in silence.

Mr. President, darkness begets secrecy, secrecy begets darkness, and it is in the dark corners of secrecy that crimes and offenses against the Government are perpetrated. That is charged in connection with the income tax law. I have no doubt but what it might be found in connection with the secret archives of the State Department. Wherever secrecy reigns there is opportunity for the vile, festering sore of corruption and debauchery.

I have been taught that this was a Government of the people, by the people, and for the people. This Government is the people's Government. If any department of this Government or any branch of this Government operates in secret and behind closed doors, then the Government ceases to be a Government of the people or by the people.

Mr. President, I propose here this afternoon to accomplish what I think ought to have been granted by unanimous consent this morning.

The Senator from Connecticut [Mr. BINGHAM] objected to permitting insertion in the RECORD of the newspaper report on the Roll Call of Senate on Lenroot Revealed, that being the title of the news item as published in the Washington Post. I did not want to continue to interrupt the Senator from Nebraska, who had the floor and who was discussing the very important question of the control of the public conscience through the control of the public press by the great power interests of this country. Therefore I could not pursue my request beyond the mere making of it. I am sorry the Senator from Connecticut [Mr. BINGHAM] is not present. Perhaps he objected to having the news item printed in the RECORD because of its source. Perhaps he objected, for aught I know, on the ground that it was contained in the Washington Post. I therefore desire to go to another source for a newspaper report on the same subject. I could go to the Washington Times, as I understand the same report was published in that paper. I choose, however, to go to the News, published in Washington, D. C., dated May 21, 1929, and read to the Senate the report appearing in it. I do not vouch for its accuracy; I do not vouch for any part of the report; but the people of this country are entitled to know that which the newspapers seem to be privileged to publish but which we, in our places here, are not privileged to affirm or deny.

It has been stated that perhaps this report is in error. I neither affirm nor deny any such suggestion. I can not, because I am not privileged to report any information regarding an executive session as coming from that session. But if the report is in error, then introducing this report into the RECORD will give the membership of this body an opportunity to set themselves right if they choose so to do.

I have no doubt but that the country may believe this report true, this roll call to be correct. The constituencies of the respective Senators may so regard it. If there is error, the Senator against whom the error is committed ought to have the right to point out the error, and I shall give such Senators that opportunity.

Reading from the News of the date which I have suggested, there is printed across the head of the issue I hold in my hand these words:

Secret Senate roll call on Lenroot revealed.

Then turning to column 1, page 1, I will read the report:

Senate secret vote on Lenroot revealed. Nine Democrats bolt——

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. BLAINE. I choose not to yield at this time.

Mr. REED. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. REED. In Rule XXXVI, paragraph 4, it is stated that—

> Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body.

In Rule XXXVIII, proceedings on nominations, it is said that—

> All information communicated or remarks made by a Senator when acting upon nominations concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept a secret.

In Rule XIX, paragraph 4, it is stated that—

> If any Senator, in speaking or otherwise, transgress the rules of the Senate, the Presiding Officer shall, or any Senator may, call him to order; and when a Senator shall be called to order he shall sit down, and not proceed without leave of the Senate.

I call the Senator from Wisconsin to order in that he is violating the rule which prescribes that votes upon any nomination shall be kept a secret.

The VICE PRESIDENT. The Senator from Wisconsin will take his seat until the Chair rules.

Mr. HEFLIN. Mr. President, I make the point of order that the Senator from Wisconsin has not said anything that has been subject to a point of order up to this time.

Mr. REED. The Senator from Wisconsin has stated that nine Democrats voted in a certain way, and on that I called the Senator to order.

The VICE PRESIDENT. The Chair is ready to rule if the Senator from Wisconsin will take his seat.

Mr. BLAINE. I submit to the jurisdiction of the Chair.

The VICE PRESIDENT. The Chair is ready to rule. The Senator from Wisconsin will take his seat.

This question was raised while the late Senator Cummins was President pro tempore of the Senate. When the point was first raised he sustained the point of order. A day or two later he voluntarily took up the question and stated that he had made a mistake in his former ruling and held that the Senator had a right to read the record. The Chair overrules the point of order.

Mr. REED. I appeal from the decision of the Chair, and I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Glenn	Metcalf	Steck
Bingham	Goldsborough	Moses	Steiwer
Black	Hale	Norbeck	Stephens
Blaine	Harris	Norris	Swanson
Blease	Harrison	Nye	Thomas, Idaho
Borah	Hastings	Oddie	Thomas, Okla.
Brookhart	Hatfield	Overman	Townsend
Broussard	Hawes	Patterson	Trammell
Burton	Hayden	Phipps	Vandenberg
Capper	Heflin	Pine	Wagner
Caraway	Howell	Ransdell	Walcott
Connally	Johnson	Reed	Walsh, Mont.
Couzens	Jones	Sackett	Warren
Cutting	Kean	Schall	Waterman
Dale	King	Sheppard	Watson
Fess	La Follette	Shortridge	Wheeler
Fletcher	McKellar	Simmons	
Frazier	McMaster	Smith	
George	McNary	Smoot	

The VICE PRESIDENT. Seventy-four Senators have answered to their names. A quorum is present.

Mr. REED. Mr. President, for the information of those Senators who were not in the Chamber before the quorum was called, may I state what is the situation. The junior Senator from Wisconsin [Mr. BLAINE] had commenced to read a newspaper article purporting to describe the vote of the Senate upon the confirmation of Mr. Lenroot for a place on the bench. The Senator prefaced his remarks by saying that he neither vouched for nor disavowed the accuracy of the statement, but in substance he stated that he was reading it for the information of the country, and so that any Senator who thought he was incorrectly reported might publicly state that he was incorrectly reported. The Senator then went on to begin to read the article, and he read a part of the statement, "Nine Democrats vote to aid G. O. P. put over Hoover man." At that point I called him to order under Rule XIX. The Chair did not sustain the point of order, but ruled that the Senator was proceeding in order, and from that ruling of the Chair I appealed. That is the present status of the matter.

Mr. HEFLIN. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Alabama?

Mr. REED. I yield.

Mr. HEFLIN. Suppose an article like that were printed in the daily papers and it clearly misrepresented Senators as to what occurred, and a Senator desired to call attention to it and to read it in this body and comment on it, would he be in order?

Mr. REED. The Senator from Wisconsin did not call attention to it for the purpose of contradicting it. The Senator called attention to it for the purpose of informing the country, and so stated.

Mr. HEFLIN. But the Senator was going to read it into the RECORD.

Mr. REED. Precisely.

Mr. HEFLIN. After it had already been printed in the public press.

Mr. REED. If the Senator, by reading it into the RECORD brings it to the attention of a single person who did not see it in the paper, in my judgment he violates the rule against secrecy.

Mr. HEFLIN. One or two Senators have already stated that it is incorrect. Would not that give the opportunity to every Senator, if he wanted to do so, to state wherein it was correct? I think it is already the rule—if it is not it soon will be—that any Senator can tell how he himself voted on any of these questions so his constituents may know.

Mr. FLETCHER. Mr. President, this debate is all out of order. I do not think the subject is one for debate.

The VICE PRESIDENT. Under the rule the appeal is debatable, and the Chair thinks Senators have the right to state their views. However, the Chair desires to read, before the vote, his reasons for overruling the point of order.

Mr. REED. The debate can be stopped if any Senator wishes by moving to lay my appeal on the table. I have no disposition to protract it. I merely wish to say a few words.

Mr. CARAWAY. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Arkansas?

Mr. REED. I yield.

Mr. CARAWAY. May I say to the Senator that I do not think the gravamen of the offense is heading what the newspaper said. Personally I do not care. I am not saying whether I am accurately or inaccurately reported. It makes no difference to me.

Mr. REED. The Senator knows I do not care either. I am willing to tell my vote from the top of the Washington Monument.

Mr. CARAWAY. I know that, but what I started to say is this: I know that somebody, either a Member of the Senate or an employee, gives out the information. I know, therefore, that we are pretending to transact confidential business while somebody for a consideration is peddling it to somebody who is willing to buy that sort of information. That is all I complain about. I wish the Senate would abolish the rule, because I want to take away from that individual the market for his own dishonor and I want to take away from those who want to buy stolen goods the opportunity to do so.

Mr. REED. Precisely.

Mr. CARAWAY. That is all I care about. The Senator from Washington [Mr. JONES] is always introducing resolutions to amend the rule, but never seeks a vote on them. I wish those in control of the Senate who have the authority would amend the rule. There is not any reason why it should not be amended so as to let the people know not how Senators vote, because that is not informative, but why they vote as they do. That is the information that ought to be given to the country. It does not make any difference what interpretation I may put upon a fact, that does not enlighten anybody; but if the facts back of what moved me to act were known, it might be enlightening. Therefore we ought to abolish the rule of secrecy. When a nomination comes before the Senate let the country know what the facts are.

Mr. REED. Mr. President, I do not entirely agree with the Senator's conclusion, but he has certainly put his finger on the sore spot. It is against the rules of the Senate to tell what happens in executive session. Those rules are law so far as we are concerned. There is some hypocrite here who prattles out loud about law enforcement and in secrecy does what he dare not do publicly and gives out information.

Mr. CARAWAY. I want to take away the market for that sort of goods; I want to remove the temptation from somebody who was born without honor, by abolishing the rule of secrecy so that he will have no occasion to display what sort of a man he happens to be.

Mr. REED. Furthermore, I call the Senator's attention to the fact that this list of names is not unaccompanied by a statement of the debate, and the same man who is without honor in divulging the names also divulges only what he wants the newspapers to print about the reasons for the votes which he says were cast. He is wholly unfair to his brother Senators, if he be a Senator, and he is wholly disloyal to the Senate which employs him, if he be one of our employees. If we can find out who he is——

Mr. CARAWAY. That should be done.

Mr. REED. And, in my judgment, we can, and we ought to try, then I for one am in favor of enforcing the rule of the Senate that provides for dismissal, if he be an employee, or of expulsion, if he be a Senator.

Mr. BLACK. Mr. President, will the Senator from Pennsylvania yield to me?

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Alabama?

Mr. REED. I yield.

Mr. BLACK. Why does not the Senator from Pennsylvania offer a resolution to bring about an investigation to find out who it is who has divulged this information? Why has not that been done heretofore? I am in favor of open sessions, but I should be delighted to vote for such a resolution.

Mr. REED. The Senator will be interested and glad to know that a meeting of the Committee on Rules has been called to inquire into this matter to-morrow afternoon at 1 o'clock.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Mississippi?

Mr. REED. I yield to the Senator from Mississippi.

Mr. HARRISON. Why is it that the Rules Committee is calling a meeting to investigate this matter when some time ago a roll call of Senators purporting to be in executive session was published but nothing was done about it?

Mr. REED. I do not remember why nothing was done about it.

Mr. HARRISON. It seems to me that both cases ought to be investigated.

Mr. REED. I agree with the Senator that any case of this sort ought to be investigated and run down so far as we can run it down.

Mr. HEFLIN. Mr. President, I want to ask the Senator another question.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Alabama?

Mr. REED. I do not yield for the moment. We all know, to face the facts, that the newspapers flaunt the rule of secrecy and brag about it. A couple of years ago I introduced a resolution to deny the privileges of the press gallery to any newspaper man who conspired with some traitor in the Chamber to divulge information against the rules of the Senate, and I was made the butt of a considerable amount of ridicule among the newspaper paragraphers who have the privilege of attacking without responsibility. That does not matter in the least; they will do it again to-morrow.

However, I want to call the attention to the fact that there is a particular offense in this case, because Mr. Mallon who flaunts his name at the head of this article, the discoverer of this roll call, is one of the four reporters, as I understand, who have the courtesy of the Senate in that he is permitted to come on the floor of the Senate itself. Yet, enjoying that uncommon privilege, he puts his name at the head of this article in defiance of the rules of the body whose guest he is when he comes on this floor.

Mr. GLENN and Mr. HEFLIN addressed the Chair.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED. I yield first to the Senator from Illinois.

Mr. GLENN. Can the Senator inform us whether he is the same newspaper correspondent who ended the World War 24 hours in advance of the armistice or whether he represents the press organization which did that? [Laughter.]

Mr. REED. I do not know; I can not answer the Senator's question. I was not here at that time.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Alabama?

Mr. REED. I yield.

Mr. HEFLIN. I wish to ask the Senator if he thinks that a Senator has the right to state how he voted on a particular matter, such as the confirmation of a nomination for public office of the United States? Has he a right to tell his constituents how he voted?

Mr. REED. Mr. President, the rule says that all votes—and that includes each Senator's—shall be kept secret. I never have had any doubt about that being the meaning of the rule, although I have often wanted to be able to announce my own vote.

Mr. HEFLIN. The Senator thinks, then, if a Senator is a candidate for reelection, and is accused of voting for the confirmation of some man when he voted to the contrary he is not at liberty to tell his constitutents how he voted?

Mr. REED. In my judgment he is not.

Mr. HEFLIN. Then, Mr. President, I am in favor of abolishing that rule.

Mr. REED. Mr. President, that is the way to correct the evil. If the rule is wrong, let us change the rule, but let us not abrogate it by sneaking to some newspaper reporter in secrecy and divulging information of what happened in executive session. We hear about the crime of secrecy, but how about the Senator who in secret divulges what he is in honor bound not to divulge? How about the Senator who in secret tells a reporter in whispers his idea of what transpired in debate in executive session?

Mr. BLAINE. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from Wisconsin will state his point of order.

Mr. BLAINE. I want to inquire of the Senator from Pennsylvania if his remarks are applicable to a specific Senator?

Mr. REED. Mr. President, they are applicable to that Senator who gives out this secret information. I would to heaven that I knew who he is, but I do not.

Mr. BLAINE. Does the Senator suggest that in requesting to have the roll call as published in the newspaper printed in the RECORD I am giving out any secret information that I obtained?

Mr. REED. I do not suggest that the Senator from Wisconsin is the person who gave the information to the newspaper man; I do not mean to intimate that even indirectly; but I do say that to read the newspaper statement for the information of the country is a violation of the Senate's rules.

Mr. McKELLAR. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from Tennessee will state the point of order.

Mr. McKELLAR. Rule XX of the rules of the Senate provides, among other things:

* * * and every appeal therefrom—

Namely, from the ruling of the Chair—

shall be decided at once, and without debate.

I make the point of order that debate is out of order.

The VICE PRESIDENT. That rule does not apply to this case. The Chair holds that the question is debatable and the appeal is debatable.

Mr. BLAINE. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Wisconsin?

Mr. REED. I yield.

Mr. BLAINE. The Senator gave the name of Mr. Mallon. As I understand, however, other newspapers, including the Washington Times, had articles along the same or similar lines and to the same purport. So did the Washington Star, but the articles were not by the same reporter. So evidently the whole responsibility should not be charged to one newspaper man.

Mr. REED. I have seen such an article in only two newspapers. One was the Washington Post and the other was the Washington Daily News, a tabloid newspaper, and both of those articles bore Mr. Mallon's name.

Mr. BLAINE. I think the Senator will find the article in the Washington Times was by some one else.

Mr. REED. If that was by somebody else, then my remarks should include him. The point I wish to make is that it is high time the Senate took a self-respecting position in its attitude toward the newspapers that flaunt its rules. I do not see any particular reason why we should be afraid to enforce our rules against them, and I hope we will do so. If we are afraid, then there is not much use in having rules.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Idaho?

Mr. REED. I yield.

Mr. BORAH. If we can succeed in enforcing the rules against ourselves, we will not have any trouble with the newspapers.

Mr. REED. I think that is true, but we all know that if any one of the newspaper reporters is called on to testify before a committee as to the sources of his information, then, in accordance with the so-called ethics of that so-called pro-

fession, he will decline to say where he got his information, and I for one——

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Nebraska?

Mr. REED. I will yield at the end of the sentence. I for one would enforce the proceedings against him that are appropriate for a contempt of the Senate. I think if we would show a little determination we would find out where the leak is. I now yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, apropos of the question which the Senator from Idaho asked and which also has been asked in substance by the Senator from Alabama and the answer of the Senator from Pennsylvania, I want to preface my question by a statement of just a sentence. I entirely agree with the Senator from Pennsylvania that, under the rules of the Senate, no Senator has a right to state how he voted either here or anywhere else, neither in Washington nor at home. Regardless of how he may be attacked, how wrongful may be any charge against him, he must remain silent. I agree with the Senator as to that. Now, the question is this: Has not the Senator heard on the floor of the Senate repeated announcements by Senators that they would tell whenever they saw fit, and that they had done it in the past, just how they voted on any question; that they would conceal no vote from their constituents?

Mr. REED. Since I have come to the Senate I have known, I think every one of its rules to be broken, and broken flagrantly, and that rule among them.

Mr. NORRIS. I wanted that statement to go in the RECORD, because there are Senators who in good faith have obeyed and followed the rules and suffered from it, and yet they hear other Senators who have been here longer than I have been openly say to the Senate, right in its teeth, that they reserve the right to tell anybody how they voted.

Mr. REED. I have heard that; yes.

Mr. NORRIS. With the understanding that a large number of Senators claim that right, and that the Senate has no right by rule to circumscribe their privilege and their right to do that, how can we get away from the proposition, if some Senators claim that right and exercise it, that it should be claimed and exercised by all Senators?

Mr. REED. Whether they exercise it or not I have no means of knowing. I have heard them claim the right, but I have never known them to exercise it.

Mr. FLETCHER and Mr. SMITH addressed the Chair.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED. I yield next to the Senator from Florida.

Mr. FLETCHER. The question here is as to a violation of the rules by the effort made by the Senator from Wisconsin. What he is proceeding to do is to read from an article published in a newspaper without saying it is true or saying it is false, without specifying what is true or what is false. Is that divulging any secret on his part of what occurred in executive session? He is merely trying to put in the RECORD what some newspaper reporter has stated.

Mr. REED. Precisely. Rising in his place in the Senate he is repeating publicly a statement of fact by another man on a matter which is supposed to remain secret, and he says he is doing it for the information of the country, and he begins with the statement that nine Democrats bolted to vote for Lenroot.

Mr. BLAINE. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Wisconsin?

Mr. REED. Just a moment. How can any sane person construe that except as an intimation that the statements in the newspaper article are substantially correct, or otherwise the Senator would not make them, even if he does not formally vouch for their accuracy?

I now yield to the Senator from Wisconsin.

Mr. BLAINE. I think the Senator is reading from some other newspaper than the one I was reading from.

Mr. REED. I was reading from the Washington Daily News. If the Senator will lend me the paper, I shall be glad to read from his copy.

Mr. BLAINE. Then the Senator was divulging information in regard to the executive session which I had not suggested. [Laughter.]

Mr. REED. What was it that the Senator read about the Democrats bolting?

Mr. BLAINE. I said this: I was proceeding to read an article entitled:

> Senate's secret vote on Lenroot revealed. Nine Democrats bolt.

Mr. REED. Well, that is what I read, is it not?

Mr. BLAINE. The Senator said "bolted to vote for Lenroot."

Mr. REED. Will the Senator permit me to read from his paper?

Mr. BLAINE. I have read it all.

Mr. COUZENS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. COUZENS. Is not the Senator from Pennsylvania out of order because he said the nine Democrats voted for Lenroot?

The VICE PRESIDENT. The Chair has held that the article may be read, so the Chair thinks the Senator from Pennsylvania is in order.

Mr. LA FOLLETTE. Mr. President, is the Senator from Pennsylvania in order if he reads something that is not in the article?

Mr. REED. If it so happens that I read the concluding words of the sentence, it was quite unintentional. I had understood the Senator—but what is the use of quibbling over that?

I am not going to take any more of the Senate's time. If a majority of the Senate wish to enforce this rule about secrecy, then, in justice to the dignity of the Senate, let us do so. If a majority of the Senate do not approve of the rule, then let us, in a dignified way, change the rule. I think——

Mr. HARRISON. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Mississippi?

Mr. REED. At the end of the sentence. I think we stultify ourselves in maintaining a rule which is flouted in secret and ignored publicly. That is my position, and that is why I think the action of the Senator in reading this article is a violation of the rule against secrecy, and it is our duty, however unpleasant it may be and however it may expose us to newspaper ridicule, to sustain the appeal and uphold the rule.

Mr. HARRISON. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Mississippi?

Mr. REED. I yield.

Mr. HARRISON. I agree with what the Senator says with reference to upholding the rule; but he is taking an appeal from the decision of the Chair, and, whatever the vote may be, the country will construe it one way or the other.

Mr. REED. Yes.

Mr. HARRISON. It does not truly reflect the sentiment of the Senate here with reference to that question. I expect to vote to sustain the Chair, because the Chair heretofore has ruled that a Senator has the right to read from a newspaper what happened in executive session.

Mr. REED. Ah! I thank the Senator for reminding me of that ruling. It is true that when the late Senator Cummins was President pro tempore of the Senate he ruled both ways. First, he ruled that to read a newspaper account of this sort under these circumstances was a violation of the rule; then, after a couple of days' meditation and prayer upon the subject, he ruled the contrary. So, for whatever value that precedent has, the Senate has it before it.

Mr. SWANSON. Mr. President, I should like to ask the Senator a question.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Virginia?

Mr. REED. I do.

Mr. SWANSON. If we were going to have an investigation of this matter to ascertain whether a Senator or an employee gave out this information or whether it was a guess on the part of the newspapers, we would have to preface the resolution with—

> Whereas so-and-so has been stated and printed in the papers.

Would the Senator hold that it was contrary to the rules to state that when he asked for a special investigation?

Mr. REED. We will tackle this case now and the moot case later.

Mr. SWANSON. But, as I understand, the Senator's position is that we can not read from the papers anything that appertains to an executive session. It seems to me that we could not have an investigation unless we were to have a resolution stating that the newspapers state so and so, give such and such information, state such and such facts, and ask to have the matter investigated. Would that be subject to a point of order?

Mr. REED. We can write a resolution without a "whereas."

Mr. SWANSON. But we have to state what we want to investigate, whether this occurred or not.

Mr. HEFLIN. Mr. President, just one word.

If the Chair is overruled, this body is denied the right to do what the public has done to-day all over the country—to read this article. This body is not permitted to read and comment on a thing which attacks the body itself and purports to give a vote which was taken in secret executive session.

Of course the Chair is right. The Senator from Wisconsin [Mr. BLAINE] is involved. He could rise to a question of personal privilege and read it if he wanted to; and if we overrule the Chair we in effect say to the Senate and the country that no Senator can even make reference to a secret executive session. His hands are tied, his lips are sealed, and nobody is to know what he does behind closed doors.

I do not want to be tied so that I can not tell the people of my State how I vote on every question, in secret session and out of it; and the sooner the Senate abandons that practice and tells the people of the States how its Members vote on all questions the better it will be for this Government.

Mr. NORRIS. Mr. President, the real question before the Senate is not whether we ought to have this rule or whether we ought not to have it. The Senate ought not to vote on this appeal on the basis of their belief or disbelief in the propriety of the rule. It must be conceded that we have the rule. The question involved in this decision of the Chair is whether or not a Member of the Senate, in making a speech, can read a newspaper article which purports to give the action of the Senate in executive session.

I remember, only a few days ago, what great respect the Senate had to its precedents, in executive session it is true; but precedent overruled and overrode the plain statement of fact in a rule, and, although that question had been ruled on both ways, the last time it had been ruled on was the time the Senate followed it.

The Chair has referred to a decision by the late Senator Cummins. The Senator from Pennsylvania has said that Senator Cummins ruled both ways. That is true. He first ruled contrary to the way that the present Presiding Officer has ruled; but after deliberation, after further thought and investigation, he changed his ruling, and held that it was proper to read from a newspaper the proceedings claiming to be the proceedings of an executive session.

We all knew the late Senator Cummins. I think all of us who knew him, whether we agreed with him on matters of public policy or not, must unite in saying that he had one of the most logical legal minds of any man of his day. He had a more analytical mind than most men who live and who even rise to prominence in the legal profession. I would have great respect for a legal opinion rendered by Senator Cummins after he had given time and deliberation to the question; and I assume that he gave it to this one, and that after he had given it he reached the conclusion that it seems to me is inevitable, if we follow the logic of it—the conclusion that a Senator has the right to read, in open session, a newspaper article such as the one that the Senator from Wisconsin was attempting to read when he was interrupted.

I desire to say that that is not the only decision. There is another precedent on the matter.

The VICE PRESIDENT. The Chair may state that there are two other precedents.

Mr. NORRIS. Yes; and I am going to read them. One of them happened when the Senator from Idaho [Mr. BORAH] was reading from a newspaper, in open session, from testimony relating to the nomination of Thomas D. Jones to be a member of the Federal Reserve Board, pending in executive session.

Mr. FESS rose.

Mr. NORRIS. The Senator from Idaho undertook to read from a newspaper what that testimony was.

Mr. LEE of Maryland. Mr. President, I rise to a point of order. The Vice President decided this morning that proceedings in a committee which was charged to investigate a matter pending in executive session were proceedings within executive session.

I think there is some reason in holding that way. That is not this case, however. That was not that case. The Senator from Idaho was reading from a newspaper. He was not pretending to read from the executive proceedings.

Now, the Senator from Idaho is reading from the proceedings within an executive session of the Senate here in open session and in obvious violation of its rules. Under these circumstances I raise the point of order as to whether the Senator from Idaho has a right openly to violate the rules of the Senate as the Vice President this morning construed them.

The PRESIDING OFFICER (Mr. Lea of Tennessee).—

He was presiding—

The Senator from Idaho is reading what purports to be from a newspaper and is commenting on it. The point of order made by the Senator from Maryland does not appear to the Chair to be within the precedents of the Senate and the point of order is overruled.

Now, please bear in mind the distinction. The question might properly and with some logic be raised if the Senator from Wisconsin were reading from the testimony taken before a subcommittee of the Judiciary Committee regarding this particular appointment; but he is not doing that. He is reading from a newspaper—a public newspaper.

Mr. FESS. That was the question I wanted to ask.

Mr. NORRIS. I yield now. I beg the Senator's pardon for making him wait so long.

Mr. FESS. The inquiry I wanted to propound was whether the reading was to be from a report of what took place in secret session, or merely a statement of a newspaper, without the Senator vouching that that is what took place.

Mr. NORRIS. Oh, the Senator does not vouch for it. He stated explicitly that he did not vouch for it. He made no comment as to whether it was correct or incorrect.

Mr. FESS. That is the distinction that it seems to me must be taken into consideration. If it is a mere rumor, without one who was in the secret session vouching that that is what took place, that is not the same as testimony before the committee.

Mr. NORRIS. I agree with the Senator. It seems to me that is a perfectly logical distinction. I call attention again to the fact that it is a newspaper article from which the Senator is reading. In the case I read, the Senator from Idaho [Mr. BORAH] was reading from a newspaper article the decision referred to by the Senator from Maryland when he called the Senator from Idaho to order, and referred to a decision of the Chair in which he held that the proceedings before a committee on a nomination in executive session were likewise charged with the same condition and the same secrecy as though they had occurred in the Senate instead of before a committee.

Mr. President, as I look at it, an overruling of the Chair and the following of that ruling in the future would bring a great deal of grief to the Senate, not as to this particular matter, but if we followed that kind of a precedent, we would find ourselves in difficulty continually. A Senator often finds it necessary in self-defense to read from a newspaper. He often reads from a newspaper for the purpose of calling attention to an error in the newspaper. No one can question his right to do that. If we can not read a newspaper comment on what took place in an executive session, we can not read an editorial about it; and I dare say that in the last 24 hours there have been 500 editorials written all over the United States in which the writers have indirectly given information about what took place in an executive session. It is known how some Senators voted, and I do not think it would be at all difficult to find out about how all voted, because a newspaper man who has been observing the Senate for the last six or seven years can take a roll call and pretty nearly tell in advance, without hearing the debate, how Senators will vote on most questions. But the question now is, Do we violate the rule of secrecy when we undertake to read something from a newspaper which everybody must concede has the right to publish the information?

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. BINGHAM. While I agree with a great deal that my distinguished friend, the able Senator from Nebraska, has said about the desire of a Senator to protect himself by reading from a newspaper, does he not think that this particular case is on a little different footing, for the reason that this is clearly an effort, by hocus-pocus, to get around the fact that the Senate refused to divulge the vote in this matter, and that vote, or what purports to be that vote, having been published, to put it into the CONGRESSIONAL RECORD for the information of the public, for them to draw what conclusions they like, and for Senators to draw what conclusions they like in that regard; that that is nothing more nor less than an effort to get around the rule and do something which the Senate itself has decided it will not allow?

Mr. LA FOLLETTE. Mr. President, I would like to call attention to the fact that the Senator from Connecticut is divulging what occurred in executive session. He just stated here that this was an effort by hocus-pocus to get around something which the Senate refused to do, and that refusal to remove the ban of secrecy took place in executive session. I think Senators ought to be very careful about what they say here, because the first thing we know the entire debate will be in the RECORD.

Mr. NORRIS. Mr. President, as I said before, the question before us is one of sustaining the Chair.

I am going to say something now I did not intend to say, but it has been mentioned by several Senators, and it has been referred to again by the Senator from Connecticut, and I will not be traveling farther from the point in referring to it than we all do on a good many occasions.

Just for a moment I want to discuss a right which has been referred to, if there is such a right—it was included in the

question I asked the Senator from Pennsylvania—whether a Senator has a right to tell his constituents how he voted on a nomination passed on in executive session, which means that he can tell it to a newspaper correspondent in Washington if he wants to or put it in a telegram or letter.

Mr. WATSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. NORRIS. Let me finish this thought, and then I will yield.

Mr. WATSON. Certainly.

Mr. NORRIS. I think the Senator from Pennsylvania stated the law correctly. I have taken the same position many a time in executive session. Nevertheless, I do not want to put my opinion against the opinion of everybody else, my judgment against everybody else's judgment. I have obeyed the rule in the past and suffered from it. I told the Senate once in executive session what I am going to tell them now in open session.

(Mr. SMOOT addressed a remark to the Senator from Nebraska from his seat.)

Mr. NORRIS. No; I am not telling any secrets. I could have told this even if I had not mentioned it in executive session. The fact that I told it in executive session would not prevent me from telling it now, because I did not get the idea in executive session.

Mr. LA FOLLETTE. Mr. President, this is a very important point the Senator raises. Assuming that one has the right to say something previous to an executive session and that one has also said it in executive session, is one prohibited from restating it following the adjournment of the executive session?

Mr. NORRIS. Mr. President——

Mr. LA FOLLETTE. I trust the Senator will not transgress the rule, because this is a very serious situation, it seems to me.

Mr. NORRIS. Yes; I think it is very serious. I participated in a campaign in my own State when my colleague was running for reelection. I was traveling around over the State somewhat, making some speeches as best I could, and I read in one of the newspapers of the State a criticism of me. It was a criticism in a paper opposed to my colleague's renomination. It was a statement criticizing me and, among other things, to show that I should not be believed, they told that I voted against a certain person nominated for a very high office. The truth was—and if the records of the secret session were taken down they would bear me out—that I did not vote against that particular person. I not only voted for him but to the best of my ability I advocated the approval of his nomination when President Coolidge sent it to us. I was for him. I voted for him. I talked for him in the executive session. But I was charged in the newspaper with voting against him. Their idea was that that position probably was unpopular in my State.

I was up against the necessity of defending myself and indirectly of defending the position I was taking in trying to secure the renomination of my colleague. I felt that if I told the truth about the matter I would violate the rule of the Senate, and I kept still; I said nothing. I suffered what I thought was an injustice. I believed so then, and I believe so now. But I thought it was my duty to keep the rule, even though I considered it an obnoxious rule. But I have heard Senators, older in the service than I, say that they reserved the right to tell their constituents how they voted on anything. I think when they do that in the case of nominations they violate the rule.

One of the oldest Senators in this body stated emphatically, with regard to a certain nomination, that he read an article in the newspaper charging him with voting so and so, and that it was not true, and he sent a telegram from Washington to the newspaper telling them how he did vote. He made no bones of it. My idea is that that Senator violated the rule. He thinks that his personal obligation to his people and his right to represent them properly is superior even to the rule.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. NORRIS. In just a moment. I do not doubt the sincerity of the Senator to whom I referred. I have heard it stated here by Senators that they will tell their people how they voted, and nobody has ever done anything about it; the Senate has taken no action about it. Senators have heard such statements made and have remained silent about it, and by their silence have given acquiescence to it.

I confess, after my experience, that I have come to the conclusion that if some Senators tell how they vote, regardless of this rule, and the Senate knows it, and by its silence indicates that it regards the rule as a dead rule, I will do the same thing myself. I have not done it yet, but I am liable to at any time.

The fact is that in the particular case we are discussing everybody knew where I stood and how I voted. If I had told I had voted the other way, I would not have been believed; so this does not apply to me. That may be apart from the particular question we are now to vote on—I think it is myself—but it is at least fair to say that Senators ought, if they are going to ask me to obey the rule in the spirit in which the Senator from Pennsylvania says it should be obeyed, to apply it to everybody, and if some Senators are going to violate the rule, and tell the Senate they are doing it, and the Senate is going to do nothing, has not every Senator the right to say, "That rule is violated; it is a dead letter, and I will not pay any attention to it"?

I now yield to the Senator from Alabama.

Mr. HEFLIN. Mr. President, if the Senator should tell how he voted when he is called upon by the people of his State, as I was called upon by the people of mine, under the position taken by the Senator from Pennsylvania he would be expelled from the Senate.

Mr. NORRIS. Yes; that is the punishment. There is no other punishment.

Mr. REED. There might be some dry eyes at that.

Mr. NORRIS. Yes; there might be. There is no other punishment for a violation of the rules; the punishment is expulsion under the rules. A Senator can not be fined or suspended or sent to jail; he is simply expelled.

Mr. President, just one more word about the real question that is before us, as I see it.

Mr. WHEELER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I yield.

Mr. WHEELER. I merely wish to point out that the case to which the Senator referred awhile ago was the Woodlock case, and the absurdity of the situation there was this, that the committee having charge of the matter had open hearings, every member of the committee in the Woodlock case voted in the open, hearings were held in the open, and everybody knew and it was public how they were going to vote. Afterwards the matter came into executive session, and then the same Senators who had voted in the open were forbidden in the Senate from telling how they voted, notwithstanding the fact that they voted the same way in the open sessions of the committee. It seemed to me then extremely unfair to the Senators who voted in the open, when everybody knew how they voted, for part of the Senators who voted in secret to have their votes kept secret, and it was on that occasion, I think, that several Senators rose and stated that they intended to tell their constituents or the newspapers how they voted in that particular case.

As the Senator said a moment ago, anyone can read the list of Senators and guess how they vote. A newspaper man would not have needed to ask me how I voted; he could have known how I voted, and he could have known how every other Senator voted if he just attended the sessions of the Senate and was familiar with the way they usually voted.

Mr. NORRIS. He could come within four or five of the vote, and there would only be a few about whom he would have to make inquiry.

The question involved here is, Is a Senator allowed to read from a newspaper? If the Senator had said, when he started to read this newspaper, "This is correct; this newspaper tells the truth about what happened in executive session," then there would be some weight to the Senator's objection.

Mr. REED. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. REED. The Senator will recall that the Senator from Wisconsin stated that he was reading this for the information of the country.

Mr. NORRIS. That is what we generally do here; everything we do along that line is for the information of the country.

Mr. SMOOT. Right or wrong?

Mr. NORRIS. Yes; right or wrong, and that is how we are judged by the country. If we are going to say that a Senator shall not read a newspaper article or a magazine article or an editorial because it has reference to or pertains to something that happened in executive session, then we are going to get into more trouble than anybody here has any idea of.

Mr. BLEASE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from South Carolina?

Mr. NORRIS. I yield.

Mr. BLEASE. I would like to ask the Senator a question. When a matter takes place in executive session and some reference is made to it here on the floor, and three Senators get up and state that that is not an accurate statement, that they know personally it is not the truth, does the Senator then think that

such a record should be placed in the CONGRESSIONAL RECORD for the sole purpose of making those Senators who are misrepresented violate a rule of the Senate by saying that the record is false? The Senator said that "a Senator should not tell how he voted; if he does tell he is liable to be expelled." There may be some Senators who, if they did not tell how they voted, might also be expelled.

Mr. NORRIS. By their people.

Mr. BLEASE. Yes. So far as I am concerned, I do not care who knows how I vote on any subject; but there is one false statement in that paper that I know of, and that is not with reference to the secret session. It says nine Democrats voted for Mr. Hoover's nominee. If I voted for Mr. Lenroot, I voted for Calvin Coolidge's nominee. And if I voted for him and he was brought back here again and I was told he was Hoover's nominee, I would not vote for him.

However, if I voted for his confirmation, it was not because he was a Coolidge or a Hoover appointee, but because, from my service here with him I knew him to be thoroughly qualified, and I did not know of anything reflecting upon his personal integrity.

Mr. REED. Mr. President, I have no intention of detaining the Senate more than a moment. In passing on this question it is said that there have been previous rulings and there were, as has been explained, one by Senator Luke Lea, of Tennessee, one by Senator Cummins in favor of the appeal and one against it. I would like to submit this for the thought of those Senators who are lawyers, that the question of the construction of the rule, as to whether it is violated by reading some one else's statement of what happened in secret session, is in some sense like that question in the law of libel as to whether a libel was committed if a statement written or printed by some third person was read or published by the person charged with the libel. It has been held always since the question first arose that the repetition of a libelous statement was of itself libel. So here it seems very clear to me that the repetition of a statement purporting to violate the rule is in itself a violation. I think perhaps the lawyers of the Senate may see some parallel between those two cases.

The VICE PRESIDENT. The Chair had intended to read the opinion delivered by former Senator Lea overruling a similar point of order, but as it has been read I take it it is not necessary to read it again. I do desire, however, to read what former Senator Cummins said in reference to the decision he rendered on the 26th of January, 1925:

> The Chair desires to make a statement. On Saturday a point of order was raised against remarks being made by the junior Senator from Alabama [Mr. HEFLIN]. The Chair sustained the point of order. A further study of the rule invoked in behalf of the point of order has convinced the Chair that he misinterpreted that section in its application to the remarks being made by the Senator from Alabama, and the point of order should have been overruled instead of sustained. The Chair deems it his duty to make this statement for the RECORD as well as for the information of Senators.

The Chair also desires to call attention to the fact that in 1919 the Senator from Idaho [Mr. BORAH] read or began to read a newspaper report of the Versailles treaty. The point of order was made that it was a matter for executive session. The question was submitted to the Senate and by a vote of 42 to 24 it was held to be in order.

The question is, Shall the decision of the Chair stand as the judgment of the Senate? The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. REED (when his name was called). I have a pair with the Senator from New Mexico [Mr. BRATTON]. I transfer that pair to the Senator from Vermont [Mr. GREENE] and vote "nay."

The roll call was concluded.

Mr. BINGHAM (after having voted in the negative). I have a general pair with the junior Senator from Virginia [Mr. GLASS]. Not knowing how he would vote, and being unable to obtain a transfer, I withdraw my vote.

Mr. FESS. I desire to announce the following general pairs:

The Senator from New Hampshire [Mr. KEYES] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Maine [Mr. GOULD] with the Senator from Tennessee [Mr. TYSON];

The Senator from Rhode Island [Mr. HEBERT] with the Senator from New York [Mr. COPELAND];

The Senator from New Jersey [Mr. EDGE] with the Senator from Massachusetts [Mr. WALSH];

The Senator from Indiana [Mr. ROBINSON] with the Senator from Washington [Mr. DILL]; and

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Kentucky [Mr. BARKLEY].

I am not informed how any of these Senators would vote on this question.

Mr. SHEPPARD. I desire to announce the unavoidable and necessary absence from the city of the Senator from Arkansas [Mr. ROBINSON], the Senator from New York [Mr. COPELAND], the Senator from Tennessee [Mr. TYSON], the Senator from Kentucky [Mr. BARKLEY], the Senator from Washington [Mr. DILL], and the Senator from Massachusetts [Mr. WALSH].

The result was announced—yeas 63, nays 9, as follows:

YEAS—63

Allen	George	McMaster	Simmons
Ashurst	Glenn	McNary	Smith
Black	Goldsborough	Metcalf	Smoot
Blaine	Hale	Moses	Steck
Borah	Harris	Norbeck	Stephens
Brookhart	Harrison	Norris	Swanson
Broussard	Hatfield	Nye	Thomas, Idaho
Burton	Hawes	Oddie	Thomas, Okla.
Capper	Hayden	Overman	Townsend
Caraway	Heflin	Patterson	Trammell
Connally	Howell	Pine	Vandenberg
Couzens	Johnson	Ransdell	Wagner
Cutting	Jones	Sackett	Walsh, Mont.
Fess	King	Schall	Watson
Fletcher	La Follette	Sheppard	Wheeler
Frazier	McKellar	Shortridge	

NAYS—9

Dale	Phipps	Steiwer	Warren
Hastings	Reed	Walcott	Waterman
Kean			

NOT VOTING—23

Barkley	Dill	Greene	Robinson, Ind.
Bingham	Edge	Hebert	Shipstead
Blease	Gillett	Kendrick	Tydings
Bratton	Glass	Keyes	Tyson
Copeland	Goff	Pittman	Walsh, Mass.
Deneen	Gould	Robinson, Ark.	

So the decision of the Chair stood as the judgment of the Senate.

Mr. SMITH. Mr. President——

The VICE PRESIDENT. The Senator from Wisconsin [Mr. BLAINE] has the floor. Does he yield to the Senator from South Carolina?

Mr. BLAINE. I yield.

Mr. SMITH. I want to ask the majority leader if any action is contemplated on the publication of the article which has been under discussion. It will be recalled that the statement was made by the author of the article that he got it from "authoritative" sources. For one I want to have the matter thoroughly investigated to find out whether or not some one who has been extended the courtesy and privilege of the floor or any Member of this body has been guilty of doing that which a majority of us, at least, think should not be done.

Mr. WATSON. Mr. President, replying to the Senator from South Carolina I will say that I am informed by the chairman of the Committee on Rules [Mr. MOSES] that he has called a meeting of that committee for to-morrow at 1 o'clock for the purpose of considering the very question to which the Senator has alluded.

Mr. SMITH. Some of us had contemplated offering a resolution with reference to the matter, but we prefer that the majority in the body should take action through the proper sources, and I am now informed that that will be done.

Mr. BLAINE. Mr. President, when I was interrupted by the question raised by the Senator from Pennsylvania [Mr. REED] I had just started to read the article in the News, a daily published in Washington, D. C., being the issue of Tuesday, May 21, 1929. Preceding the main body of the article is the statement:

> Senate secret vote on Lenroot revealed. Nine Democrats bolt.

I am going to ask unanimous consent that the balance of the article be printed in the RECORD as a part of my remarks.

The VICE PRESIDENT. Is there objection?

Mr. BINGHAM. Mr. President, reserving the right to object, I should like to ask the Senator from Wisconsin whether I am correctly informed that one of his objects in asking that this be printed in the RECORD is to permit any Senator whose position has been misrepresented by reference to the RECORD to correct his position and state just how he did vote, or whether he was present and voted, or not?

Mr. BLAINE. Mr. President, what other Senators may do is not within my power to direct, but it is quite inconsequential what my purposes may be or what my motives may be.

Mr. BINGHAM. No, Mr. President——

Mr. BLAINE. That is, Mr. President, I did not assume that a Senator would be under cross-examination as to his motives on any particular subject by another Member of this body.

Mr. BINGHAM. A Senator's motives may not be questioned in any way reflecting upon him as a Senator, but I never heard it maintained on this floor that a Senator might not be asked what his motives were, and I again ask the Senator whether it

is his motive in putting the article in the RECORD to permit a Senator to correct any error that may be made regarding his position?

Mr. BLAINE. I think if I were to ask the Senator from Connecticut [Mr. BINGHAM] that question when he was debating a proposition he would regard it as a very offensive question.

Mr. BINGHAM. I am sorry——

Mr. BLAINE. I do not understand that my motives are under investigation. I understand very clearly that the Senate by an overwhelming vote has sustained the Chair. If I must be subjected to an inquisition by the Senator from Connecticut, I desire first that he be clothed with the authority to conduct that inquisition.

Mr. BINGHAM. If the Senator from Wisconsin takes the attitude that the asking of a simple question of that kind without any reflection on his motives is in the nature of an inquisition, then I must of necessity draw the inference from it that his motives in doing so are such that he does not care to disclose them and he stands on his constitutional rights——

Mr. NORRIS. Now, Mr. President, I call the Senator to order. Under the rules of the Senate no Senator has a right to question the motives of another Senator, and I submit that that is what the Senator from Connecticut is now doing.

Mr. BLAINE. Mr. President, I desire to proceed with my remarks.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wisconsin to print in the RECORD the article to which he has referred?

Mr. BINGHAM. Mr. President, out of respect to my brethren here, who I know are anxious to get back to their offices, I will not do as I think I ought to do—object—and I will make no further effort to prevent what I think ought never to have been done.

The VICE PRESIDENT. The Chair hears no objection, and the article will be printed in the RECORD.

The article is as follows:

[From The Washington Daily News, Tuesday, May 21, 1929]

SENATE'S SECRET VOTE ON LENROOT REVEALED; NINE DEMOCRATS BOLT—BREAKING OF PARTY TIES GIVES FORMER SENATOR MAJORITY OF 42 TO 27; SECRECY IS FOUGHT—RULE IS 150 YEARS OLD—BOTH SENATORS JONES AND ROBINSON HAVE OFFERED RESOLUTIONS TO ABOLISH EXECUTIVE SESSIONS

(Editor's note: In the following story Paul R. Mallon, head of the Senate staff of the United Press, reveals the Senate roll call on confirmation of the nomination of former Senator Lenroot, of Wisconsin, to the United States Court of Customs Appeals. This vote was taken in secret executive session, and attempts to make it public failed. Mallon won commendation for his enterprise in revealing another roll call a few months ago, that on confirmation of Roy O. West to be Secretary of Interior.)

By Paul R. Mallon

The secret roll call by which the Senate in executive session last Friday confirmed the nomination of Irvine L. Lenroot, of Wisconsin, to be a customs judge was obtained for publication to-day by the United Press.

The roll call was doubly significant because of the fight now being led by Senators JONES, of Washington, assistant Republican leader, ROBINSON of Arkansas, Democratic floor leader, and others for abolition of the 150-year-old rule by which the Senate confirms nominees in executive session.

The vote shows 9 Democrats bolted party ranks and voted with 33 Republicans to confirm President Hoover's selection, while 11 western Republicans and 16 Democrats voted against him.

JONES and ROBINSON of Arkansas introduced amendments to abolish the old rule following publication last January of the vote by which the Senate confirmed Roy O. West, of Illinois, to be Secretary of the Interior.

Before the Lenroot vote was taken the Senate voted 38 to 36 in favor of publishing a preliminary roll call, but Vice President Curtis ruled a two-thirds majority was necessary for publication.

The Lenroot roll call follows:

FOR LENROOT, 42

Republicans, 33: Allen, Bingham, Burton, Capper, Dale, Deneen, Edge, Fess, Gillett, Glenn, Goff, Gould, Greene, Hale, Hastings, Hatfield, Hebert, Jones, Kean, McNary, Metcalf, Moses, Oddie, Phipps, Reed, Robinson of Indiana, Shortridge, Smoot, Steiwer, Townsend, Vandenberg, Waterman, and Watson.

Democrats, 9: Ashurst, Blease, Hayden, King, Overman, Ransdell, Steck, Stephens, and Walsh of Massachusetts.

AGAINST LENROOT, 27

Republicans, 11: Blaine, Cutting, Frazier, Howell, Johnson, La Follette, McMaster, Norbeck, Norris, Nye, and Pine.

Democrats, 16: Barkley, Black, Caraway, Connally, Dill, Fletcher, Harris, Heflin, McKellar, Sheppard, Walsh of Montana, Thomas of Oklahoma, Smith, Trammell, Wagner, and Wheeler.

PAIRED

Brookhart (for) with Borah (against).

ABSENT AND NOT VOTING

Republicans, 9: Couzens, Goldsborough, Keyes, Patterson, Sackett, Schall, Thomas of Idaho, Walcott, and Warren.

Democrats, 14: Bratton, Broussard, Copeland, George, Glass, Harrison, Hawes, Kendrick, Pittman, Robinson of Arkansas, Simmons, Swanson, Tydings, and Tyson.

Farmer-Labor, 1: Shipstead.

Mr. BLAINE. Mr. President, in concluding my remarks, I desire to extend to the Senator from Connecticut my deep and sincere appreciation for his consideration of this body. [Laughter.]

RECESS

Mr. WATSON. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, May 22, 1929, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, *May 21, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, breathe upon us, and any depression we may have will pass away like a morning cloud. Take away from our minds any strain and stress and let them confess the wonder of Thy peace. We need more receptiveness, and we pray that Thy Holy Spirit may manifest the assurance of a calm and fruitful faith. Employ our gifts, our powers, and all material forces in the promotion of good will throughout the Republic. Convince us, dear Father, that the man who is intelligently and intimately related to Thee is a tremendous force, from which issue the currents of wisdom and righteousness. Through Jesus Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on May 18, 1929, present to the President, for his approval, a bill of the House of the following title:

H. R. 22. An act to provide for the study, investigation, and survey, for commemorative purposes, of battle fields in the vicinity of Richmond, Va.

DEATH OF A FORMER MEMBER

Mr. DARROW. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DARROW. Mr. Speaker, it is with deep regret that I announce the death of a former colleague, Hon. Aaron S. Kreider, at his home in Annville, Pa., on Sunday, May 19. Mr. Kreider represented what was then the eighteenth congressional district of Pennsylvania, comprised of Cumberland, Dauphin, and Lebanon Counties, for a period of 10 years, from the Sixty-third to the Sixty-seventh Congresses. During that service he was a member of the Committee on Rules and the Committee on Public Buildings and Grounds and took a prominent part in the work of those committees as well as the interests of his constituency, by whom he was dearly beloved.

He had been ill since the death of his son, Ammon H. Kreider, president of the Kreider-Reisner Aircraft Co., who was killed in an airplane crash above Ford Field, Detroit, April 13. His widow, three daughters, and five sons survive.

From 1913 to 1916 Mr. Kreider was president of the National Association of Shoe Manufacturers. He operated shoe factories at Annville, Elizabethtown, Palmyra, Middletown, and Lebanon. He was president of the Farmers National Bank of Lebanon. He was president of the board of trustees of Lebanon Valley College.

It is with profound regret that Pennsylvania loses this distinguished son and former colleague of ours in Congress.

PRINTING OF THE ADDRESS OF PRESIDENT HOOVER (H. DOC. NO. 20)

Mr. BEERS. Mr. Speaker, I offer the following privileged resolution from the Committee on Printing.

The Clerk read as follows:

House Resolution 42

Resolved, That the address of President Hoover on law observance delivered in New York City on April 22, 1929, at the annual luncheon of the Associated Press in New York be printed as a House document and that 10,000 additional copies be printed for the use of the House document room.

Mr. GARNER. Is this a privileged resolution?

Mr. BEERS. It is a privileged resolution.

The SPEAKER. The Chair thinks it is privileged, a resolution for printing for both Houses.

Mr. GARNER. What will it cost?

Mr. BEERS. Fifty-six dollars and forty-eight cents.

Mr. GARNER. Is this necessary to start the organization?

Mr. BEERS. We do not feel that we need it for that reason.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

PROCEEDINGS OF THE UNVEILING OF THE BUST OF THE LATE MARTIN B. MADDEN

Mr. LUCE. Mr. Speaker, I ask unanimous consent that there be printed in the RECORD the remarks made yesterday at the unveiling of the bust of the late Martin B. Madden.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LUCE. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the addresses made at the unveiling of the bust of the late Martin B. Madden, on Monday, May 20, 1929.

The addresses are as follows:

The exercises were held in the corridor adjacent to the main entrance to the Hall of the House of Representatives, at 11 o'clock a. m., Hon. ROBERT LUCE presiding.

Mr. LUCE. In accordance with the instructions of the House of Representatives, the Committee on the Library, through the cooperation of the Commission on Fine Arts and the Architect of the Capitol, has procured and caused to be placed here a bust of Martin Barnaby Madden, a Representative from the State of Illinois, who, while serving his twelfth term in the House of Representatives, died in the room of the Committee on Appropriations. Those who served with him on the committee and spokesmen for the Illinois delegation may best pay the brief tributes the circumstances permit in connection with the unveiling. I would, however, say a word in preliminary statement.

Mr. Madden was one of the foremost Members of the House. He had the respect and confidence of all his associates. He was an outstanding man in righteousness, in patriotism, and in loyalty. He represented his district and his State effectively. He was a power for the welfare of the Nation.

We admired him while he was a Representative; we grieved when he was taken from us. We are thankful that such men are sent to the halls of legislation to serve their fellows.

I will now ask the grandchildren of Mr. Madden to unveil the bust.

(The bust was thereupon unveiled by Josephine and Floranne Henderson, grandchildren of Mr. Madden.)

Mr. LUCE. I will ask to speak first a veteran of the House, long a member of the Committee on Appropriations, who has succeeded Mr. Madden in the position of chairman of that committee, the Hon. WILL R. WOOD, of Indiana.

REMARKS OF HON. WILL R. WOOD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA, AND CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS

Mr. WOOD. Mr. Chairman, Mrs. Madden, Mrs. Henderson, and friends: I wish I might express the deep feeling we all have with reference to our good friend, Martin Madden.

Time passes, the ages pass, men come and go; but the impress that Mr. Madden has left will long survive, even beyond the memory of this age and the memory of those now living. This marble bust, a beautiful sculpture, is but a small symbol compared with what he has left behind.

When the boys and girls of future generations come through here and look upon this bust they may not remember—perhaps they will even forget—that this is just a symbol, a memento of his life. But he has left an impress upon the history of his country in the deeds that he has done, in the service that he has rendered, that is a greater monument than the bust we see before us.

Marble will waste away, but the things that have been done by this man will survive as long as the Nation survives.

I wish that I might speak as I would like to speak of Martin Madden. Kindly he was, generous always. To my mind to-day there comes the memory of many good things that Martin Madden did, with the power that he had, in the position that he held, when he did not show resentment, but was generous, kindly, and just.

When we who are here to-day look upon this marble form it seems almost as if he was going to speak to us from the place where his image stands in stone.

We to-day pay our added tribute not only to his memory but to the respect that we hold for him, and for the service that he rendered to our country, which will endure forever.

Mr. LUCE. While the procedure of the House of Representatives requires in all committee matters some recognition of the existence of two parties, the most conspicuous feature of the work of the Committee on Appropriations in this regard is the almost complete absence of partisanship. Members of that committee are conspicuous for working together in order to put the public welfare above all other considerations.

So while I might introduce the next speaker as the ranking Democrat of the committee, what I would emphasize is that he is one of the oldest Members of the House in point of service, who worked with Mr. Madden and aided him in the valuable accomplishment of that committee.

I shall now ask the Hon. JOSEPH W. BYRNS, of Tennessee, to speak to you.

REMARKS OF HON. JOSEPH W. BYRNS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TENNESSEE, AND RANKING DEMOCRATIC MEMBER OF THE COMMITTEE ON APPROPRIATIONS

Mr. BYRNS. Mr. Chairman, Mrs. Madden, Mrs. Henderson, and friends, as a minority member of the House Committee on Appropriations, it was my happy privilege to introduce the resolution which provided for this bust of our departed friend. It is proper for me to say that it was first suggested by our distinguished friend and colleague, Hon. ELLIOTT W. SPROUL, a Representative from the State of Illinois, who for many years had been a very close friend and associate of Mr. Madden. In all my experience as a Member of Congress I never saw a sweeter association or a closer friendship than that which existed between these two Members of the House, who had formed that friendship in the early days of their careers, a friendship which continued and grew stronger with the success that afterwards came to them both.

It is extremely fitting that the House of Representatives should thus perpetuate the memory of one of its most distinguished Members. The country owes to Mr. Madden a debt of gratitude for the valuable and patriotic service which he rendered it for a quarter of a century. It was my privilege and good fortune to have served with him on the Committee on Appropriations, and I may say that during the whole period of my service, covering 20 years, I have never known a Member of either branch of Congress who rendered greater and more patriotic service than did Martin Madden.

He was a leader in whom his colleagues had confidence and whom the Congress trusted, and under his leadership as chairman of the Committee on Appropriations millions of dollars were saved annually to the people of the United States.

His service in the House of Representatives did not consist alone in the service he rendered as chairman of the Committee on Appropriations. He stood in the forefront in all matters of legislation which came before the House, and was always one of its strongest and most effective leaders.

As I have said, it was my good fortune to have been closely associated with him on the committee. We belonged to different political parties and therefore differed on some of the economic problems that have been presented for solution. But I never hesitated to follow his leadership on the committee, for I knew, as all of his colleagues knew, that Martin Madden, while a partisan in the best sense of the term, never sacrificed principle to partisanship. He loved his country more than he did his party, and its interest was always paramount with him.

He was one of the great leaders of the Congress, a splendid citizen, who had forged his way to the front by dint of hard work and an executive ability unsurpassed by any of those who served with him.

As a statesman he deserves to rank with America's best, and I repeat, it was extremely fitting that the House, where he labored so unceasingly and so patriotically for a quarter of a century, should have caused this bust to be placed here at its portals as a reminder of the debt which our country owes to this great and faithful public servant.

Mr. LUCE. The Nation owes a debt to the State of Illinois for sending here a man of the type of Martin Madden. It is fitting that this should be recognized by asking to speak to you the senior member of the delegation from Illinois, the Hon. HENRY T. RAINEY.

REMARKS OF HON. HENRY T. RAINEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. RAINEY. Mr. Chairman, Mrs. Madden, Mrs. Henderson, members of the Illinois delegation, friends: On this day, in the early spring, we have unveiled this marble bust erected here in honor of our friend and colleague. We who knew him best will remember always his kindly face, his gentle, patient soul, just as it is preserved here in this marble. He always led the van. With a smile he could win, and with a smile he could lose a race. His heart was always happy and free from care. I knew him when he lay on a bed of pain, deprived of his foot by an

industrial accident in the full prime of his young manhood, but he was cheerful and pleasant and happy even then, ready always to carry on. He was always smiling, even in the last days of his life when his body was weak. Even then he stood in his place on the floor of the House, presenting forcefully the constructive propositions for which he always stood.

A BUILDER ALWAYS

He lived always an active, useful, constructive life; he lived in the greatest era of the history of the world. He was born just before the great Civil War—just before the guns boomed out along the longest battle line the world ever saw. He grew to manhood during the period of reconstruction which followed.

He was always a builder. In his early manhood he helped rebuild the great city by the Lakes, where he lived, after the great fire of 60 years ago which destroyed it. He was a contractor and a builder in the great city of Chicago during the years of his young manhood, when he accumulated the competence which enabled him to devote the last quarter of a century of his life to the public service. He lived during the period when the iron age burst upon the world—the period of economic change brought about by iron automatic tools, and he lived through the period of the great World War, assisting here in the Congress of the United States in the drafting and in the promotion of those measures which made possible the winning of the war, and he lived also through the important part of the period of reconstruction which followed that awful struggle. He lived until the dawn of the electrical age, which is now bursting upon the world. He stood with all of us on the very high lands of the morning, witnessing with us the dawning of the greatest day which ever came to this old world of ours. Cheerful through it all, pleasant and smiling always.

ALWAYS A SONG

For him there was always a song somewhere. He could always hear it. There is the song of the lark, when the skies are clear, and he never failed to hear it; and then there is the song of the thrush when the skies are gray, and he always heard that.

On a beautiful country road in northern Illinois, remote from the noise and the turmoil of the great city of Chicago in which he had always lived, he built a home surrounded by trees and by flowers—a quiet country home—and he dreamed of the time which might come in the evening of his life when he might be permitted to lay down the cares and the duties of his active career and retire to the quiet rural section where he had built his home. He dreamed of a time when he might come back to the people he loved and to the people who loved him—back to his place in the hills—back to the laugh of the streams he knew so well—back to the still noontides and the rain on the leaves.

DIED ON THE FIELD OF ACTION

But all this was denied him. He was cut off in the very fullness of his strong and active life. He died on the field of action. Perhaps it is better that this strong man was by a kind Providence spared the weakness which comes with old age.

NOT DEAD

He is not dead. He will live always here in this beautiful marble—here among the immortals—here amid the scenes of his most important activities, lovingly remembered by his associates. In the records of the Congress his words are preserved through all the years to come.

WORLD BETTER BECAUSE HE LIVED

His ideals were always the highest. The world is better because he lived and toiled and wrought. He traveled and toiled and worked always for the thing which is just beyond seeing and the thing that comes always after the end.

If everyone who is indebted to him for a kind act should to-day drop a flower on his grave, he would sleep to-night beneath a wilderness of roses.

Mr. LUCE. It is customary to couple the name of the State that a Member of the House represents with his own name. We are therefore nominally representatives of States, but really we are representatives of districts, and, in the last analysis, of neighbors. We reflect here the environment from which we come.

Martin Madden was sent by one of the districts of the second city in size in the Union. The lineaments so successfully molded by the artist, show to us, now that they are disclosed, the features of a man who seems to me to have typified wonderfully the spirit of the American city—rugged, full of vitality, full of energy—the spirit of the city in which centers the life of the Central West. It is fitting that the next speaker should be a representative from that city, Chicago; the senior member of the Republican delegation from Illinois, the Hon. FRED A. BRITTEN.

REMARKS OF HON. FRED A. BRITTEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. BRITTEN. Mr. Chairman, Mrs. Madden, Mrs. Henderson, Mr. Sproul, it is a great honor to be permitted to say just a few words to-day upon the unveiling of this sturdy bust of our dear old friend, Hon. Martin B. Madden.

I learned to know Martin more than 30 years ago, when, as a young building contractor, I bought material from Martin's company and put it in place in a building where my dear old friend "Daddy" Sproul was also a contractor. We built many public-school buildings in Chicago together. That friendship, or business acquaintance, it might be called, of 30 years ago grew into a profound friendship. I loved Martin almost as much as I could love my father or my big brother. I loved him just as "Daddy" Sproul always loved him. I do not suppose "Daddy" ever went to sleep at nighttime without first thinking of his dear old friend Martin.

I know, when I speak in part for the delegation from Illinois, that I voice the sentiments of the members of the Illinois delegation in Congress when I say that Illinois lost its most outstanding legislator and statesman when Hon. Martin B. Madden passed into the Great Beyond, and at the same time the Nation lost one of its most trusted servants. We from Illinois were ever ready to follow his wise leadership, his unerring judgment, and his constant promotion of economy in every governmental direction. As a large taxpayer himself, he knew what economy in government meant to every home in America, and I honestly believe that he regarded himself as the personal protector and representative of every American taxpayer.

I do not believe it is an exaggeration to say that Mr. Madden's vast knowledge of the details and pitfalls surrounding appropriations running into the billions has saved the National Treasury more actual millions of dollars than could be credited to any other individual since the founding of the Government. The present Budget system owes much of its success to his strong leadership and almost superhuman judgment.

He was a patriot, a statesman, a comrade, a friend; a man whose honesty of purpose had never been questioned.

His home life was as gentle and kindly as his achievements were great. His deeds and words will be followed and quoted a hundred years hence.

Of the two or three busts of exceedingly exceptional characters authorized by acts of Congress for installation in the Capitol, it is quite fitting that one of these should perpetuate the likness of Hon. Martin B. Madden, whose life work was so abruptly ended on the 27th day of April, 1928, while in the full vigor of his faculties and the performance of his duties as chairman of the most important committee on Capitol Hill.

Mr. LUCE. As the last speaker I would call upon another Representative from Chicago, who through a decade was a close associate of Mr. Madden, and who will add a word in tribute to his memory, the Hon. CARL R. CHINDBLOM.

REMARKS OF HON. CARL R. CHINDBLOM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. CHINDBLOM. Mr. Chairman, Mrs. Madden, Mrs. Henderson, and other members of the family, colleagues, and friends, if one other Member from Illinois should speak upon this occasion, the choice doubtless would fall upon our colleague, Mr. SPROUL, the lifelong friend of Mr. Madden, who held our late colleague in his arms when he breathed his last, and who cherishes decades of recollections of our late leader. I am not surprised that he finds it difficult to speak upon this occasion, although present; and largely because of his request I shall use the opportunity afforded me to say a word about the man around whom the members of the Illinois delegation rallied in sincere confidence, in the deepest love and affection, and with deep appreciation of the qualities of leadership which we were so eager to follow.

It is a happy circumstance that this bust of our good friend should stand here at the very portal of the House of Representatives. Not only the great masses of visitors who come here will gaze upon his face, but Members of the House, coming and going, as they approach their duties yonder, will see here the features of a man who typified ideal service in the House of Representatives.

He was an intense partisan, as I believe members of a political party should exhibit loyalty to their organization. He was devoted to the interests of his State and of his community and of that section of the country from which he came. But in his service in the House there was naught of partisanship and naught of sectionalism. There was nothing but a sincere desire to serve the entire country. We know that Presidents, Cabinet officers, and executive heads of the departments everywhere sought his counsel. We know that he impressed upon them his views, and often differed with them in their opinions. We know that Members of the House, his own colleagues, in spite of his great kindliness and friendliness toward them, could not secure his support of a proposition which did not appeal to his judgment or to his patriotism.

So, as the generations pass, those who are serving in the House to-day and those who will follow us will find here, in the bust of the Hon. Martin B. Madden, a type, an ideal, which they may well embody in their careers, and our Republic, our Nation, will be the greater, the happier, the stronger, by reason of the emulation on the part of the membership of the Congress of the virtues which so highly characterize our late colleague. His memory is enshrined in the hearts of the people who know the value of his public services. His fame will rest in the history of the Nation as long as that shall be known to men. But those of us who had the good fortune to associate and

serve with him in the House cherish an ideal which we shall do well to remember during the remaining days of our lives.

Mr. LUCE. The exercises are concluded.

LEAVE TO ADDRESS THE HOUSE

Mr. DYER. Mr. Speaker, I ask unanimous consent that the Commissioner from the Philippines [Mr. CAMILO OSIAS] who has just come here and who must leave the city on official business, may address the House for 10 minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the Commissioner from the Philippines [Mr. OSIAS] may address the House for 10 minutes. Is there objection?

Mr. HAWLEY. Mr. Speaker, I regret that I must object. We have a full list of speakers for the afternoon.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that I may speak for 20 minutes on the day after to-morrow morning after the disposition of matters on the Speaker's table.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House for 20 minutes on Thursday next after the reading of the Journal and the disposition of matters on the Speaker's table. Is there objection?

Mr. HAWLEY. I regret, Mr. Speaker, that I must again object.

Mr. HOWARD. I may say, Mr. Speaker, that the regret is mutual. [Laughter.]

COURT OF CUSTOMS AND PATENT APPEALS

Mr. DYER. Mr. Speaker, I ask unanimous consent to have printed in the RECORD the decision of the Supreme Court yesterday touching the jurisdiction of the Court of Customs Appeals, now known as the United States Court of Customs and Patent Appeals.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by printing a decision of the Supreme Court yesterday in the matter of the Court of Customs Appeals. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include a decision of the Supreme Court, published in the United States Daily of May 21, 1929, in the matter of the jurisdiction of the United States Court of Customs and Patents Appeals.

The decision is as follows:

[From the United States Daily, May 21, 1929]

COURT OF CUSTOMS APPEALS HAS POWER TO REVIEW FINDING OF TARIFF COMMISSION

(8907. Ex parte Bakelite Corporation. No. 17, original, Supreme Court of the United States)

The Court of Customs Appeals of the United States was held in this case not to be an inferior court created by Congress under section 1 of Article III of the Constitution, but a legislative court created by Congress under other articles of the Constitution investing Congress with powers in the exercise of which it may create inferior courts and clothe them with functions deemed essential in carrying these powers of Congress into execution.

The jurisdiction of the Court of Appeals, therefore, is not limited to "cases and controversies" of certain enumerated classes as prescribed by section 2 of Article III of the Constitution, which jurisdiction is prescribed for so-called constitutional courts created under section 1 of Article III.

In reaching this decision it was held that the Court of Customs Appeals may be invested with jurisdiction of appeals from the findings and recommendations of the Tariff Commission, as provided by section 316 of the tariff act of 1922, although such proceedings be not "cases and controversies," since the jurisdiction of a legislative court is not limited to cases and controversies.

A writ of prohibition to the Court of Customs Appeals to prohibit it from entertaining an appeal from the Tariff Commission's findings and recommendations was, therefore, denied, since a writ of prohibition does not lie to a court which is proceeding within the limits of its jurisdiction.

The full text of the court's decision, delivered by Mr. Justice Van Devanter, follows:

This is a petition for a writ of prohibition to the Court of Customs Appeals prohibiting it from entertaining an appeal from findings of the Tariff Commission in a proceeding begun and conducted under section 316 of the tariff act of 1922 (c. 356, 42 Stat. 858, 943; secs. 174–179, Title 19, U. S. C.). A rule to show cause was issued; return was made to the rule, and a hearing has been had on the petition and return.

TARIFF ACT IS DESCRIBED AS UNHAPPILY DRAFTED

Section 316 of the tariff act is long and not happily drafted. A summary of it will suffice for present purposes.

It is designed to protect domestic industry and trade against "unfair methods of competition and unfair acts" in the importation of articles into the United States, and in their sale after importation. To that end it empowers the President, whenever the existence of any such unfair methods or acts is established to his satisfaction, to deal with them by fixing an additional duty upon the importation of the articles to which the unfair practice relates, or, if he is satisfied the unfairness is extreme, by directing that the articles be excluded from entry.

The section provides that, "to assist the President" in making decisions thereunder, the Tariff Commission shall investigate allegations of unfair practice, conduct hearings, receive evidence, and make findings and recommendations, subject to a right in the importer or consignee, if the findings be against him, to appeal to the Court of Customs Appeals on questions of law affecting the findings.

There is also a provision purporting to subject the decision of that court to review by this court upon certiorari. Ultimately the commission is required to transmit its findings and recommendations, with a transcript of the evidence, to the President so that he may consider the matter and act thereon.

A further provision declares that "any additional duty or any refusal of entry under this section shall continue in effect until the President shall find and instruct the Secretary of the Treasury that the conditions which led to the assessment of such additional duty or refusal of entry no longer exist."

The present petitioner, the Bakelite Corporation, desiring to invoke action under that section, filed with the Tariff Commission a sworn complaint charging unfair methods and acts in the importation and subsequent sale of certain articles, and alleging a resulting injury to its domestic business of manufacturing and selling similar articles. The commission entertained the complaint, gave public notice thereof, and conducted a hearing in which interested importers appeared and presented evidence claimed to be in refutation to the charge.

The commission made findings sustaining the charge and recommended that the articles to which the unfair practice relates be excluded from entry. The importers appealed to the Court of Customs Appeals, where the Bakelite Corporation challenged the court's jurisdiction on constitutional grounds.

JURISDICTION ASSERTED BY CUSTOMS COURT

The court upheld its jurisdiction and announced its purpose to entertain the appeal. Thereupon the Bakelite Corporation presented to this court its petition for a writ of prohibition. Pending a decision on the petition further proceedings on the appeal have been suspended.

The grounds on which the jurisdiction of the Court of Customs Appeals was challenged in that court, and on which a writ of prohibition is sought here, are:

1. That the Court of Customs Appeals is an inferior court created by Congress under section 1 of Article III of the Constitution, and, as such, it can have no jurisdiction of any proceeding which is not a case or controversy within the meaning of section 2 of the same article.

2. That the proceeding presented by the appeal from the Tariff Commission is not a case or controversy in the sense of that section, but is merely an advisory proceeding in aid of Executive action.

The Court of Customs Appeals considered these grounds in the order just stated and by its ruling sustained the first and rejected the second. (16 Ct. Cust. Appls. —, 53 T. D., 716.)

In this court counsel have addressed arguments not only to the two questions bearing on the jurisdiction of the Court of Customs Appeals, but also to the question whether, if that court be exceeding its jurisdiction, this court has power to issue to it a writ of prohibition to arrest the unauthorized proceedings.

The power of this court to issue writs of prohibition never has been clearly defined by statute or by decisions. And the existence of the power in a situation like the present is not free from doubt.

But the doubt need not be resolved now, for, assuming that the power exists, there is here, as will appear later on, no tenable basis for exercising it. In such a case it is admissible, and is common practice, to pass the question of power and to deny the writ because without warrant in other respects.

CONGRESS HAS AUTHORITY TO CREATE LOWER COURTS

While Article III of the Constitution declares, in section 1, that the judicial power of the United States shall be vested in one Supreme Court and in "such inferior courts as the Congress may from time to time ordain and establish," and prescribes, in section 2, that this power shall extend to cases and controversies of certain enumerated classes, it long has been settled that Article III does not express the full authority of Congress to create courts, and that other articles invest Congress with powers in the exertion of which it may create inferior courts and clothe them with functions deemed essential or helpful in carrying those powers into execution.

But there is a difference between the two classes of courts. Those established under the specific power given in section 2 of Article III are called constitutional courts. They share in the exercise of the judicial power defined in that section, can be invested with no other

jurisdiction, and have judges who hold office during good behavior, with no power in Congress to provide otherwise. On the other hand, those created by Congress in the exertion of other powers are called legislative courts. Their functions always are directed to the execution of one or more of such powers and are prescribed by Congress independently of section 2 of Article III; and their judges hold for such term as Congress prescribes, whether it be a fixed period of years or during good behavior.

The first pronouncement on the subject by this court was in American Insurance Co. *v.* Canter (1 Pet. 511), where the status and jurisdiction of courts created by Congress for the Territory of Florida were drawn in question. Chief Justice Marshall, speaking for the court, said, page 546:

"These courts, then, are not constitutional courts, in which the judicial power conferred by the Constitution on the General Government can be deposited. They are incapable of receiving it. They are legislative courts, created in virtue of the general right of sovereignty which exists in the Government, or in virtue of that clause which enables Congress to make all needful rules and regulations respecting the territory belonging to the United States. The jurisdiction with which they are invested is not a part of that judicial power which is defined in the third article of the Constitution but is conferred by Congress in the execution of those general powers which that body possesses over the Territories of the United States."

That ruling has been accepted and applied from that time to the present in cases relating to Territorial courts.

A like view has been taken of the status and jurisdiction of the courts provided by Congress for the District of Columbia. These courts, this court has held, are created in virtue of the power of Congress "to exercise exclusive legislation" over the District made the seat of the Government of the United States, are legislative rather than constitutional courts, and may be clothed with the authority and charged with the duty of giving advisory decisions in proceedings which are not cases or controversies within the meaning of Article III, but are merely in aid of legislative or executive action, and therefore outside the admissible jurisdiction of courts established under that article.

CONSULAR COURTS ARE LEGISLATIVE

The United States Court for China and the consular courts are legislative courts created as a means of carrying into effect powers conferred by the Constitution respecting treaties and commerce with foreign countries. They exercise their functions within particular districts in foreign territory and are invested with a large measure of jurisdiction over American citizens in those districts. The authority of Congress to create them and to clothe them with such jurisdiction has been upheld by this court and is well recognized.

Legislative courts also may be created as special tribunals to examine and determine various matters arising between the Government and others, which from their nature do not require judicial determination and yet are susceptible of it. The mode of determining matters of this class is completely within congressional control. Congress may reserve to itself the power to decide, may delegate that power to executive officers, or may commit it to judicial tribunals.

Conspicuous among such matters are claims against the United States. These may arise in many ways and may be for money, lands, or other things. They all admit of legislative or executive determination, and yet from their nature are susceptible of determination by courts; but no court can have cognizance of them except as Congress makes specific provision therefor. Nor do claimants have any right to sue on them unless Congress consents; and Congress may attach to its consent such conditions as it deems proper, even to requiring that the suits be brought in a legislative court specially created to consider them.

The Court of Claims is such a court. It was created, and has been maintained, as a special tribunal to examine and determine claims for money against the United States. This is a function which belongs primarily to Congress as an incident of its power to pay the debts of the United States. But the function is one which Congress has a discretion either to exercise directly or to delegate to other agencies.

For 65 years following the adoption of the Constitution Congress made it a practice not only to determine various claims itself, but also to commit the determination of many to the executive departments. In time, as claims multiplied, that practice subjected Congress and those departments to a heavy burden. To lessen that burden Congress created the Court of Claims and delegated to it the examination and determination of all claims within stated classes. Other claims have since been included in the delegation and some have been excluded. But the court is still what Congress at the outset declared it should be—"a court for the investigation of claims against the United States." The matters made cognizable therein include nothing which inherently or necessarily requires judicial determination. On the contrary, all are matters which are susceptible of legislative or executive determination and can have no other save under and in conformity with permissive legislation by Congress.

DUTIES OF COURT OF CLAIMS ARE SET FORTH IN DETAIL

The nature of the proceedings in the Court of Claims and the power of Congress over them are illustrated in McElrath *v.* United States (102 U. S. 426), where particular attention was given to the statutory provisions authorizing that court, when passing on claims against the Government, to consider and determine any asserted set-offs or counterclaims, and directing that all issues of fact be tried by the court without a jury. The claimant in that case objected that these provisions were in conflict with the seventh amendment to the Constitution, which preserves the right of trial by jury in suits at common law where the value in controversy exceeds $20. This court disposed of the objection by saying (p. 440):

"There is nothing in these provisions which violates either the letter or spirit of the seventh amendment. Suits against the Government in the Court of Claims, whether reference be had to the claimant's demand, or to the defense, or to any set-off or counterclaim which the Government may assert, are not controlled by the seventh amendment. They are not suits at common law within its true meaning. The Government can not be sued except with its own consent. It can declare in what court it may be sued and prescribe the forms of pleading and the rules of practice to be observed in such suits. It may restrict the jurisdiction of the court to a consideration of only certain classes of claims against the United States. Congress, by the act in question, informs the claimant that if he avails himself of the privilege of suing the Government in the special court organized for that purpose he may be met with a set-off, counterclaim, or other demand of the Government upon which judgment may go against him, without the intervention of a jury, if the court, upon the whole case, is of opinion that the Government is entitled to such judgment. If the claimant avails himself of the privilege thus granted he must do so subject to the conditions annexed by the Government to the exercise of the privilege."

COURT IS HELD TO BE UNDER ENTIRE CONTROL OF CONGRESS

While what has been said of the creation and special function of the court definitely reflects its status as a legislative court, there is propriety in mentioning the fact that Congress always has treated it as having that status. From the outset Congress has required it to give merely advisory decisions on many matters. Under the act creating it all of its decisions were to be of that nature. Afterwards some were to have effect as binding judgments, but others were still to be merely advisory. This is true at the present time. A duty to give decisions which are advisory only, and so without force as judicial judgments may be laid on a legislative court, but not on a constitutional court established under Article III.

In Gordon *v.* United States (117 U. S. 697) and again in In re Sanborn (148 U. S. 222) this court plainly was of opinion that the Court of Claims is a legislative court specially created to consider claims for money against the United States, and on that basis distinctly recognized that Congress may require it to give advisory decisions. And in United States *v.* Klein (13 Wall. 128, 144–145), this court described it as having all the functions of a court, but being, as respects its organization and existence, undoubtedly and completely under the control of Congress.

In the present case the court below regarded the recent decision in Miles *v.* Graham (268 U. S. 501) as disapproving what was said in the cases just cited, and holding that the Court of Claims is a constitutional rather than a legislative court. But in this Miles *v.* Graham was taken too broadly. The opinion therein contains no mention of the cases supposed to have been disapproved; nor does it show that this court's attention was drawn to the question whether that court is a statutory court or a constitutional court. In fact, as appears from the briefs, that question was not mooted. Such as were mooted were considered and determined in the opinion. Certainly the decision is not to be taken in this case as disturbing the earlier rulings or attributing to the Court of Claims a changed status.

STATEMENT IN PRIOR CASE SAID TO HAVE LOST WEIGHT

That court was said to be a constitutional court in United States *v.* Union Pacific R. R. Co. (98 U. S. 569, 602–603), but this statement was purely an obiter dictum, because the question whether the Court of Claims is a constitutional court or a legislative court was in no way involved. And any weight the dictum, as such, might have is more than overcome by what has been said on the question in other cases where there was need for considering it.

Without doubt that court is a court of the United States within the meaning of section 375 of title 28, U. S. C., just as the superior courts of the District of Columbia are; but this does not make it a constitutional court.

The authority to create legislative courts finds illustration also in the late Court of Private Land Claims. It was created in virtue of the power of Congress over the fulfillment of treaty stipulations; and its special function was that of hearing and finally determining claims founded on Spanish or Mexican grants, concessions, etc., and embracing lands within the territory ceded by Mexico to the United States and subsequently included within the Territories of New Mexico, Arizona, and Utah and the States of Nevada, Colorado, and Wyoming. By the treaties of cession the United States was obligated to inquire into private claims to lands within the ceded territory and to respect inviolably those that were valid.

Congress at first entrusted the preliminary inquiry to executive officers and required that they make reports whereon it could make the ultimate determinations. This was an admissible mode of dealing with the subject and many claims were finally determined under it. But later on Congress created the Court of Private Land Claims and charged it with the duty of examining and adjudicating, as between claimants and the United States, all claims not already determined.

In Coe *v.* United States (155 U. S. 76) that court was held to be a legislative court and the validity of the act creating it was sustained. And while that case related to lands in a Territory there can be no real doubt that the same rule would apply were the lands in a State. The obligation of the United States would be the same in either case and Congress would have the same discretion respecting the mode of fulfilling it. In fact the act creating the court included within its jurisdiction all claims within three States as well as those within three Territories, and the court adjudicated all within these limits that were brought before it within the periods fixed by Congress.

The Choctaw and Chickasaw Citizenship Court was another legislative court. It was created to hear and determine controverted claims to membership in two Indian tribes. The tribes were under the guardianship of the United States, which, in virtue of that relation was proceeding to distribute the lands and funds of the tribes among their members.

How the membership should be determined rested in the discretion of Congress. It could commit the task to officers of the department in charge of Indian affairs, to a commission, or to a judicial tribunal. As the controversies were difficult of solution and large properties were to be distributed, Congress chose to create a special court and to authorize it to determine the controversies. In Wallace *v.* Adams (204 U. S. 415) this was held to be a valid exertion of authority belonging to Congress by reason of its control over the Indian tribes. And it is of significance here that in so ruling this court approvingly cited and gave effect to the opinion of Chief Justice Taney in Gordon *v.* United States respecting the status of the Court of Claims.

BOARD WAS CHANGED INTO CUSTOMS COURT

Before we turn to the status of the Court of Customs Appeals it will be helpful to refer briefly to the Customs Court. Formerly it was the Board of General Appraisers. Congress assumed to make the board a court by changing its name. There was no change in powers, duties, or personnel. The board was an executive agency charged with the duty of reviewing acts of appraisers and collectors in appraising and classifying imports and in liquidating and collecting customs duties. But its functions, although mostly quasijudicial, were all susceptible of performance by executive officers and had been performed by such officers in earlier times.

The Court of Customs Appeals was created by Congress in virtue of its power to lay and collect duties on imports and to adopt any appropriate means of carrying that power into execution. The full province of the court under the act creating it is that of determining matters arising between the Government and others in the executive administration and application of the customs laws. These matters are brought before it by appeals from decisions of the Customs Court, formerly called the Board of General Appraisers.

The appeals include nothing which inherently or necessarily requires judicial determination, but only matters the determination of which may be, and at times has been committed exclusively to executive officers. True, the provisions of the customs laws requiring duties to be paid and turned into the Treasury promptly, without awaiting disposal of protests against rulings of appraisers and collectors, operate in many instances to convert the protests into applications to refund part or all of the money paid; but this does not make the matters involved in the protests any the less susceptible of determination by executive officers. In fact, their final determination has been at times confided to the Secretary of the Treasury, with no recourse to judicial proceedings.

This summary of the court's province as special tribunal, of the matters subjected to its revisory authority, and of its relation to the executive administration of customs laws, shows very plainly that it is a legislative and not a constitutional court.

Some features of the act creating it are referred to in the opinion below as requiring a different conclusion; but when rightly understood they can not be so regarded.

LACK OF ANY PROVISION ON JUDGES' TENURE STRESSED

A feature much stressed is the absence of any provision respecting the tenure of the judges. From this it is argued that Congress intended the court to be a constitutional one, the judges of which would hold their offices during good behavior. And in support of the argument it is said that in creating courts Congress has made it a practice to distinguish between those intended to be constitutional and those intended to be legislative by making no provision respecting the tenure of judges of the former and expressly fixing the tenure of judges of the latter. But the argument is fallacious. It mistakenly assumes that whether a court is of one class or the other depends on the intention of Congress, whereas the true test lies in the power under which the court was created and in the jurisdiction conferred. Nor has there been any settled practice on the part of Congress which gives special significance to the absence or presence of a provision respecting the tenure of judges. This may be illustrated by two citations. The same Congress that created the Court of Customs Appeals made provision for five additional circuit judges and declared that they should hold their offices during good behavior; and yet the status of the judges was the same as it would have been had that declaration been omitted. In creating courts for some of the Territories Congress failed to include a provision fixing the tenure of the judges; but the courts became legislative courts just as if such a provision had been included.

Another feature much stressed is a provision purporting to authorize temporary assignments of circuit and district judges to the Court of Customs Appeals when vacancies occur in its membership or when any of its members are disqualified or otherwise unable to act. This, it is said, shows that Congress intended the court to be a constitutional one, for otherwise such assignments would be inadmissible under the Constitution. But if there be constitutional obstacles to assigning judges of constitutional courts to legislative courts, the provision cited is for that reason invalid and can not be saved on the theory that Congress intended the court to be in one class when under the Constitution it belongs in another.

Besides, the inference sought to be drawn from that provision is effectually refuted by two later enactments—one permitting judges of that court to be assigned from time to time to the superior courts of the District of Columbia, which are legislative courts, and the other transferring to that court the advisory jurisdiction in respect of appeals from the Patent Office which formerly was vested in the Court of Appeals of the District of Columbia.

Another feature to which attention was given is the denomination of the court as a United States court. That the court is a court of the United States is plain; but this is quite consistent with its being a legislative court.

As it is plain that the Court of Customs Appeals is a legislative and not a constitutional court, there is no need for now inquiring whether the proceeding under section 316 of the tariff act of 1922, now pending before it, as a case or controversy within the meaning of section 2 of Article III of the Constitution, for this section applies only to constitutional courts. Even if the proceeding is not such a case or controversy, the Court of Customs Appeals, being a legislative court, may be invested with jurisdiction of it, as is done by section 316.

Of course, a writ of prohibition does not lie to a court which is proceeding within the limits of its jurisdiction, as the Court of Customs Appeals appears to be doing in this instance. Prohibition denied.

May 20, 1929.

THE TARIFF

Mr. HAWLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 2667, with Mr. SNELL in the chair.

The Clerk read the title of the bill.

Mr. GARNER. Mr. Chairman, I yield 20 minutes to the gentleman from Washington [Mr. HILL].

Mr. HILL of Washington. Mr. Chairman, this country has been committed to the policy of a protective tariff for over a hundred years. Whatever may be your individual opinion as to the soundness of this policy you must admit that it is here to stay. The theory upon which the protective tariff policy is based is that the American producer should have an advantage over the foreign producer in the American market. The extremely high protectionists claim that the American producer should have the American markets to the exclusion of the foreign producer.

The producers fall into two classes, namely, those that produce raw materials and those that convert raw materials into artificial or manufactured products. The manufacturer's theory of a protective tariff policy is that it should be employed to protect only manufactured products against competition of foreign manufactured products and that all raw materials should be permitted to be imported into this country free of tariff duty. This theory of the manufacturer is the one upon which our protective policy has been based and has operated. The manufacturer is interested not only in buying his raw materials as cheaply as possible, but is equally interested in selling his manufactured product at the highest possible price. It is readily seen that the manufacturer wants protection himself, but does not want the farmer and other producers of raw materials to have protection. The manufacturer has succeeded in

the main in keeping farm products and other raw materials on the free list, while securing for himself with each revision of the tariff increasingly higher rates of duty on his manufactured products.

It is true that in later years tariff duties have been placed on a number of agricultural products which if substantially operative would give some protection to those products. This fact, however, is sometimes overlooked, namely, that to make a tariff duty on a product yield a protective price to the producer the market of such product must be controlled by the producer. The farmers do not control their own markets, and hence receive little benefit from such tariff duties as are placed on their products.

There is an additional reason why the manufacturers want farm products and other raw materials kept on the free list. The larger manufacturing concerns of this country produce a surplus of their lines of goods which they must sell in foreign countries. In other words, they export to other countries the surplus they produce after supplying the demands of our home markets. It is an economic law universally recognized that one country can not continue indefinitely exporting commercial commodities to other countries unless reciprocal export privileges are extended to such other countries to maintain a balance of trade. In order to enable our manufacturers to export and sell their surplus in other countries it is necessary that such other countries be permitted to import for sale into our country commodities of practically equal value. Of course, our manufacturers do not want other countries to import into our country manufactured goods, because that would bring them competition in our home markets. But if farm products and other raw materials are brought here from foreign countries and sold in competition with our own products of similar character it brings no competition to the manufacturer and balances the international trade for the further export of his manufactured products.

The manufacturer's idea of maintaining a balance of trade with foreign countries is to export manufactured products and import raw products. Our tariff laws have been so framed as to bring about this result. They have been designedly so framed and have proved eminently successful in accomplishing this object. The present bill is no exception to the rule. Three and one-half dollars' worth of farm products are imported into this country to each one dollar's worth of manufactured products, and we export 25 per cent more of manufactured products than agricultural products.

The manufacturer believes in a protective tariff for his goods, but he believes in free trade for the farmer and other producers of raw products. The manufacturer is the greatest free trader in this country. He believes that everybody but himself should be on a free-trade basis. He believes that the American market should be a monopoly for the manufacturers and on a free-trade basis for everyone else. He has crystallized that idea into the protective policy of this Government. That is why it is so difficult to get a readjustment of the tariff in the interest of agriculture.

I believe that we should protect our manufacturers against unfair competition in the markets of our own country. To my mind, it would be unthinkable to permit foreign-made goods to come into this country at such low prices as to impair our own great and prosperous industrial interests. And I believe just as firmly that the same principle should apply to our great agricultural interests. This great and basic industry is languishing and has langnished for years. Every informed person knows that agriculture is in dire distress. Everyone except those whose shortsighted selfishness outweighs the promptings of justice and good judgment wants to remedy this inequality between industry and agriculture. The pledge has been made to the country time and again by every political party and by every candidate for public office that agriculture would be placed on an economic equality with the manufacturing industries. The pledge has not been kept. In the last presidential and congressional campaign this promise was renewed in the most solemn terms. This special session of Congress was convened for the specific purpose of redeeming that promise. Pursuant to the program agreed upon, the Committee on Agriculture of this House held hearings, wrote an alleged farm relief bill, and introduced it. The basic agricultural commodities of the country immediately dropped in price. Wheat went down 5 cents a bushel on the first drop and continued its toboggan slide until it reached the lowest level since 1914. It is a significant commentary on that proposed legislation. That bill is the administration's plan of farm relief. It was presented as the administration's scheme to solve the farm problem. It was put forth as the fulfillment of the promise made in last fall's campaign to redress the farmer's wrongs. It passed the House as written. No material amendment to it was permitted. I voted for it. There was no alternative. No other hope was held out to agriculture. It was take that or nothing. And then the majority party members of the Ways and Means Committee labored for four months to bring out a bill to revise the tariff in the interest of agriculture. They finally brought out the present bill. It did not please anyone. The farmers and national farm organizations were especially disappointed in it. The bill was supposed to carry a revision of tariff duties for the benefit of agriculture. Tariff revision was to be an important feature of the farm relief program. In fact, the alleged farm relief bill and the tariff bill together constituted the program for the complete rehabilitation of agriculture. The official representatives and spokesmen for the farmers say that this tariff bill falls far short of the pledge made to place agriculture on a basis of equality with other industries under our protective-tariff system.

It would be proof positive of one's insincerity or intellectual incapacity should he claim that this tariff bill is primarily in the interest of agriculture. I have no doubt that the majority members of the Ways and Means Committee will be forced to adopt and recommend to the House many amendments to the present bill. The amendments will be in the interest of agriculture and will improve the bill. As the bill now stands less than one-third of the tariff revisions therein carried have to do with agriculture and more than two-thirds have to do with other commercial commodities. Except in a negligible number of instances the revisions are upward. On the whole the tariff rates on manufactured products are about 100 per cent higher than the tariff rates on agricultural products. No effort is made in this bill to correct this disparity in rates as between agriculture and the other industries.

The plain truth is it was not intended to place agriculture on a par with other industries in this bill. The people of this country will wake up to the fact sometime that those who proclaim most loudly the virtues of the protective tariff system are not willing to have the farmers participate in the benefits of the system. Such concessions as are made to agriculture in this bill are grudgingly made by the majority members of the Ways and Means Committee, and they went no further in giving tariff protection to agriculture than they felt was absolutely necessary from the standpoint of political expediency. This is in keeping with the attitude of those controlling the legislative program of the House toward the interests of agriculture. The great mass of the people throughout the country regardless of partisan affiliations believes in equality of treatment between agriculture and the manufacturing industries under our protective tariff system. The question naturally arises, then, in the minds of the people, why it is that agriculture is not accorded such treatment. They wonder why it is that agriculture has to fight for bare existence under our artificial economic system when every public official from the President down professes a strong solicitude for a square deal for the farmer. They know that the protecting arm of the Government is thrown around the manufacturer. They know that the railroads are under the economic guardianship of the Government and that the great moneyed powers of the country are amply protected by positive law. In view of all these protective measures and policies for the benefit of manufacturing, commerce, transportation, and finance, the farmers are restive and impatient at the hesitancy of the Government to bring them under the protective system that they may receive similar benefits and occupy a place on the stage of economic equality.

The manufacturers tell the Congress and the President what they want, and get it. The railroads tell the Congress and the President what they want, and get it. The big financiers tell the Congress and the President what they want, and get it. The farmers have been telling the Congress and the President for eight years what they want, and have gotten nothing.

The farmer knows what he wants and what he is entitled to have. In 1927 and again in 1928 the Congress passed the bill the farmers wanted, but each time the former President vetoed the bill. The present administration entertains the same ideas as the former President toward farm relief legislation. The present farm relief bill passed by this House is not what the farmers want.

I believe in the American doctrine that this Government should be administered for the equal benefit and equal protection of all its industries and all its citizens. I believe in protecting the home markets for the home producers, and that this protection should be accorded to agriculture in the same degree as it is accorded to manufactures. I am opposed to the idea that our protective system is the exclusive privilege and right of the manufacturers or that the manufacturers

should have an advantage over agriculture under the system of governmental protection. It is my opinion that an overwhelming majority of the people, regardless of party affiliations, believe as I do on this subject. The question then arises, Why has agriculture not received due recognition under the economic scheme of our protective tariff system? The answer is simple. It is that the manufacturers and the big financiers who back them do not want the farmer under the protective system and do not want him to be economically independent, and they have the political influence to prevent it.

Less than 5 per cent of the whole people control the political and economic policies of this Government. They do it through the control of political parties. They employ the herd method. They know that the average American citizen has a bias for party loyalty that is stronger than his love for economic justice. All they have to do, therefore, is to gain control of the party organization and the millions of party loyalists are theirs to command, as a shepherd controls his flocks. The question of farm relief is not a political question. It is an economic question. It is a question of dollars in or out of the pocket. It is a question involving the earning power of the farmer and determines whether he and his family are to be permitted to share and enjoy the advantages and opportunities that make for educational, social, and spiritual development.

The farmers of the country who believed that this special session of Congress would pass legislation for the relief of agriculture are to be disappointed. From the standpoint of agriculture this special session might as well not have been called. The only justification for it will probably be that it will put the farmer out of his suspense of expectation at an earlier date than would otherwise happen.

Perhaps it was too much to expect that there would be a serious effort at this session to place agriculture on a basis of equality with the manufactures. Agriculture has so long occupied the lower level in the economic structure of our Government that even the farmer himself had become almost apologetic in the presence of the manufacturer in requesting equal protection. For over a hundred years the manufacturer has succeeded in being the exclusive beneficiary under the protective-tariff system. Through this exclusive application of the protective tariff to the manufacturing industries the South and West have been in debt to New England for a hundred years.

And in this connection I call attention to an article that appeared in the Century Magazine in the issue of May, 1928, written by William E. Dodd, on the subject Shall Our Farmers Become Peasants? Mr. Dodd called attention in that article to a letter written by one Abbott Lawrence, a business man of Massachusetts, about 1828, the letter being addressed to Daniel Webster, in which he stated in effect that if the then pending tariff bill should be adopted it would keep the South and West in debt to New England for a hundred years. That prophecy came true.

Of course, you can not blame the manufacturers for wanting to keep the agricultural districts paying them tribute. It is difficult to change in a day the practice of a century. For a hundred years we have permitted the protective-tariff policy to be applied for the sole benefit of the manufacturer. It will take some time to recapture that usurpation. We are, however, gradually extending the policy to embrace agriculture. It is a slow process, and we have to fight for every inch of progress. The present bill as reported by the Committee on Ways and Means goes farther than any previous tariff bill toward extending the protective policy to agriculture. It does not go far enough, but still further concessions will have to be made to agriculture in this bill before it passes the House. It will be a better bill before it passes this House than it is now, but it will still be far short of what the agricultural interests demanded and had the right to expect. I am going to vote for this bill because it constitutes an additional advance toward bringing agriculture under the protective-tariff system. I am hoping the farmer may get a taste of the real benefits of protection, and when he does he will demand more and more of such benefits until he forces himself to the plane of equality with the manufacturer under our protective-tariff system. The farmer will then have come into his own and will make politics a business to protect his birthright to equality and justice under the law and the spirit of our Government. [Applause.]

Mr. GARNER. Mr. Chairman, I yield 30 minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman and gentlemen of the House, in my judgment this bill, being brought out under the circumstances and in the form that now confronts us, makes a sad day for the people of the United States. I rise to speak for the poor people of this Republic. This tariff bill that is now before this House for consideration, coming as a pretext in the interest of the poor and the farmers of the United States, is a travesty, a deception, a fraud, and a sham. [Applause on the Democratic side.] What does this bill do? Take it from beginning to end, with its thousands of items, and can any man point anywhere in the bill and say that there is anything worth talking about for the poor man and the poor woman of the United States? Can you analyze the bill and get any other conclusion than that it is to further enrich the special privileged classes of this country who have been feeding and profiteering upon the masses for the last hundred years? Yet, my friends, this Congress was called, according to my conception of President Hoover's proclamation, to enact legislation for the farmers of America. What has happened? An election was held, by which the Republican Party came into power by 6,000,000 majority, a great triumph for the grand old party, and it seems to me that the American people must have confidence in you gentlemen, judging by the results of that election. Are you proving yourselves worthy of that confidence? Take this tariff bill and analyze it. It shows that the gentlemen who represent you on the Committee on Ways and Means have brought out a measure revising the tariff upward instead of revising it downward. This is a tax on the people. You can not consider a tariff anything else than a tax. How are the people now faring under taxation? Take it back in the town or the village or the city you live in, the county or the State. The landowner is groaning under excessive taxation. They have road taxes, school taxes, county taxes, State taxes, municipal taxes, and taxes of every other kind to oppress the people. Yet with the average farmer in this country being taxed in that way a 5 per cent ad valorem in order to support the county and the State government and their institutions, the Federal Government comes along with an indirect tax called the tariff, to further oppress that class of people. You claim to have enacted a farm relief bill. You would not even let the debenture plan be voted on in this House. You put through a bill that in some respects may help the farmer, whereby you loan him more money and establish organizations to dispose of his products. Money is easy to borrow, but the trouble of it is paying it back. The average farm in this country now, with the taxes assessed against it, and the interest on the loan, makes of the farmer owning it a virtual renter. Just look into the situation. The man who owns thousands of acres of land is lucky if he can meet actual expenses, without making any profit on his investment. Take the poor man who rents the land, or a share farmer, the cropper, who works for half, all he can do is to get out with a fair, common, existence, not a decent living, according to the American standard—just a common existence. Yet this committee has brought out a bill to further levy a tax against that man.

Every breakfast table in the United States must pay tribute to somebody. Your bill takes up the poor baby, when it is born, in its swadding clothes, and makes that baby pay tribute. You actually go farther than that. You have the surgical instruments that the doctor uses to bring that baby into the world pay tribute to the manufacturers. [Applause.] The poor farmer who starts to his field riding his mule recognizes that the gears on his mule have to have a tax on them—his backband, his trace chains, his collar, and when he gets ready to hitch the mule to the plow, we find that there is a tax on the plow. Your steel and iron schedule is thievery, yet you pretend to be here legislating for the poor man of the United States. You take the shoes that go on that man's wife and make her pay tribute to the shoe manufacturer. I heard a gentleman speak here the other day about the poverty of the shoemakers. Here is a pair of shoes on my feet now that I paid $14 for. Talk about a man having to pay $14 for a pair of shoes. Yet you say that the shoe manufacturers of this country need further protection. Some of you say that you can not give the farmer a tariff on cowhides. No. That farmer can not get any tariff on his cowhides because the shoe manufacturers want hides to come in from abroad free. These gentlemen representing the shoe and leather factories say they can not pay a duty on hides.

Take that pair of shoes that I have on, for example, No. 9. [Laughter.] How many pairs of shoes will a big cowhide make? And yet you come on with the pretext that the shoe man or the leather man is already paying too much for his hides. Shoes at $14 a pair! Take the work on them. Those fellows by means of machinery can make a thousand, or perhaps 10,000, pairs of shoes a day, using their machinery and inventions and contrivances, and yet these men come up here and bellyache around for a duty. [Laughter.]

The shoe manufacturers claim they must have more tax put on the people of this country. The farmer's wife as well as the farmer must wear shoes. The farmer himself must wear shoes, and then stepping to the children—God bless them—they, too, must wear shoes, and the farmer has to support his children.

He and his wife and all his children must wear shoes, and you propose to tax that farmer for what he has on his feet and what his wife has on her feet and what his children have on their feet. [Laughter.] Fortunately, I live in a country where it is warm enough for the children to go barefooted. They get along without buying shoes during the summer. But up in the cold countries, in the Northeast and the Northwest, they must have shoes.

How about the clothing? If the farmer wears socks he must pay a tax on them. [Laughter.] If he wears underclothing he must pay a tax on that. [Laughter.] You make him pay a tax on his coat and on his breeches, and if he wears a necktie, again he pays a tax. [Laughter.] This necktie that I have on my neck cost $3. Who will say that the manufacturer of neckties needs more protection? Why, the material in this necktie can be bought for 15 cents. [Laughter.] There are factories that can turn out thousands of them each day.

This is just what the poor man in this country is up against. The galluses that hold up his breeches have a tax imposed on them. [Laughter.] But you do not stop with that. Every single item he has to buy must pay a tax. If he washes his head and combs his hair you tax him for the comb and the brush. [Laughter.] If he brushes his teeth he must pay a tax on that also. [Laughter.] The little pen knife that he must use in order to cut off his tobacco is taxed by you. [Laughter.]

Not a single thing that the farmer consumes, not a single thing that he uses to work with, escapes the heavy hand of taxation. And yet the President of the United States calls you here, according to his proclamation, to pass legislation beneficial to the farmer. What does this bill do? It robs him from the cradle to the grave. My friends, even when a poor man dies and goes upward into the sky above, his widow has to pay a tax under this bill in order that he may be laid in the ground. You have laid a tax on his casket, you have laid a tax on the hearse that carries the casket to the cemetery, and when the minister or priest conducts the funeral over his body in the church, the cloth on the altar, in front of which the minister stands, has the heavy hand of taxation placed on it. Yet you have been called together to legislate to aid the farmer.

Where are all these poor people in the United States? In the cities and towns and villages and on the farms. They are not represented on this committee which has brought out this bill. Who are represented on it? The supposedly privileged class, that preys upon the labor of the consuming public. Those who toil not and spin not are being permitted, under this bill, to rob those who toil and spin.

Is the time coming when the people will have a voice in the preparation of tax bills? The surplus products of the farms and factories in the United States must be transported abroad. We had a splendid merchant marine to carry these products to the markets of the world, but you have practically killed that. Under this bill you have raised a tariff wall around the United States so that those people abroad can not bring their products into this country unless they come over in a flying machine. [Laughter.] Yet you say you are called here to pass legislation to help the farmer. Our surplus products have to be transported to all the countries of Europe, Asia, and Africa, and they must pay for them in large part by sending goods of their own production over here. But when you put in a bill which makes it impossible for these people to exchange commodities with us, you put up a measure that makes it so that the United States must soon come to be a place where its products must all be used within our own borders. Where, then, will the man who works in a factory receive his wages? Where will the farmer receive his profit?

I come from a section of country that raises cotton. Two-thirds of the cotton produced in the United States goes to the markets of the world to be manufactured into fabrics in other countries. Yet under such a bill as you have got here how will our cotton be bought in England, Germany, Austria, Japan, and China? Over in Japan 75 per cent of their foreign trade is with our Republic. We must have a decent tariff bill in order for the balance of trade to be maintained, in order to give a square deal to the men who handle the plow and the men in the workshops.

What does your bill do? You put it so that the railroads of this country have to pay an exorbitant amount for all the iron and steel that goes into their rails and into their locomotives that haul the freight. The railroads are already charging exorbitant prices under legislation which this Congress has passed. And mark you, in a decision rendered by the Supreme Court of the United States yesterday, it comes out in the morning paper that a boost in freight rates is now to be expected. You allow conspirators to come along and steal all the water powers so that they can rob the people, and now as a last straw on the back of the poor man you come in with a tariff bill that takes occasion on everything that he must use to further tax him and places a further burden on him that he can not meet.

Do you know what this thing means? Take your manufacturing centers. Every man who must maintain his family will have to have an increase in wages or a decrease in his living expenses. The only salvation they have now is that the ladies do not wear the long dresses and long trains they used to, otherwise the poor man would not be able to buy the cloth out of which to make long dresses. [Laughter and applause.] It looks like style has done that much for the benefit of the poor of this Republic, because under the present style the girls and ladies can wear short dresses and little hats so that they can not rob them. You know that if the ladies had the dresses they had 25 and 30 years ago the poor man could not dress his wife and daughter under this tariff bill; they would have to do without decent raiment to wear. And yet your committee comes out with a bill to increase every single item that that poor man has to buy if he lives. You have come out with a bill that makes it so that every farmer in the United States is bound to pay more in taxes, because this is a tax, and in my judgment it is an unconstitutional bill. You delegate to the President of the United States the right to raise certain tariff rates. Whenever the Steel Trust wants them raised the President of the United States can raise them. Do you mean to say that the Constitution of this Republic ever meant for this Congress to abrogate its power to the Chief Executive or to a Tariff Commission or to any other body or person in this world? Yet that is what this nefarious bill does, and the American people must continue to groan and suffer under this outrageous performance. How long? It seems they have confidence in the Republican Party. Do you believe they ever dreamed that such a bill as this would be brought out when they went to the polls last year? Do you believe they would have supported you if they thought you would pass this outrageous bill? Nobody could have any kind of compassion for them if they were actually out yonder in those States begging, their children and wives hungry, barefooted, and half naked, if they again support a party that would oppress them and bear down on them like you are doing in this bill. I have sympathy for those people now. I think they voted under false pretenses. [Laughter.] I say, my friends, that those people who placed that confidence in you have been betrayed, not by all of my Republican friends here but by the Republicans on the committee that brought out this wicked, nefarious, and outrageous thing that is called a tariff bill. You call it for tariff and other purposes.

There is not a word in here that is for the benefit of the poor people, not a line in all your bill; but, on the other hand, every single schedule that you have operated on in that whole measure indicates that you are endeavoring to make the rich richer and the poor poorer. In other words, the gentlemen on that committee say, "Well, is that man poor, and is that farmer or that laboring man poor?" "Yes; he is poor." "Well, let us pass a law to keep him poor." That is exactly what this bill does. You can analyze it with all the finesse of an Aristotle and you will find nothing else in it except for the advancement and betterment of the special-privilege class that during all these years has been preying upon the plain people of the United States.

It is time now for somebody in authority to recognize that those who are actually supporting this Government should have decent consideration in legislation, instead of which you have brought out a bill to give the manufacturer the further right to reach into the pockets of the masses and take therefrom what they have labored to make. It may be you feel justified in doing that under that passage of Scripture which says:

> For whosoever hath, to him shall be given; but whosoever hath not, from him shall be taken away even that which he hath.

Do you realize that when this laboring man and this farmer have toiled all day in the heat of the sun and have gone through hardships to earn that which the laborer is entitled to have, that under this bill you are illegitimately, unlawfully, wrongfully, willfully, and almost feloniously taking it away from them? [Laughter and applause.] You are allowing it to be carried away by those who already have. You are allowing fortunes to be put into the coffers of those who have through special privileges during all these years enriched themselves out of the pockets of the people who toil.

I believe in all people being allowed to make legitimate profits. I believe that the laborer is worthy of his hire, and as a legislator I always propose to be honest in my vote. I do not want to take away from a man that which belongs to him. I do not want any man to be deprived of making a legitimate profit on his investments; but I do not propose to ever allow my

vote to go to a scheme that will let some investor reach down into the pockets of the poor man and take away that to which he is not entitled. I do not propose through any vote of mine to permit any class of special-privileged people to take away that to which the laboring man of this Republic is entitled without value received.

You know, gentlemen, that when you increase the cost of everything on all the people of this Republic, through allowing a special privilege to some concern by which it takes an unfair advantage of the poor man and makes an unfair profit, you are doing an unjust, immoral, and wrong thing against the people of this Republic.

Your measure is replete with that kind of stuff. From beginning to end it is a mass of favoritism to the few. Can you not conceive of the fact that when you allow this tariff schedule on iron and steel you are imposing a tax on every man and woman in the United States? It extends into all lines of industry. It reaches the man who must have farm machinery to plant and harvest his crop, who must have his shovel and his hoe, binders, and reapers, and you even go so far as to further rob the farmer by increasing the tariff on rope and twine. The poor farmer must have some kind of twine in order to wrap up his packages, and yet you rob him there. You put an additional tariff on rope to make him pay more for his plow line and for the rope that goes on his well to draw water for himself and his family, and still men with good faces stand up on this floor and pretend to advocate the enactment of this outrageous measure.

Is it so that in this day of progress and enlightenment in the United States, a great and rich country, with the Congress assembled under the flag of this Republic, with God above us as our witness, we will enact a law that savors of favoritism, wrong, and almost corruption? The idea of a tariff bill being revised upward at this time, when the United States, instead of being the prosperous country that some of your spokesmen talk about, has 5,000,000 people in idleness walking the streets and hunting for jobs. These people do not ride in limousines. These people are not living in fine houses. These people can not wear diamonds, and, for that matter, a diamond is not necessary for anyone, yet they are entitled to have those things that will make conditions in this Republic so that a man can at all times have a chance to work at some honorable employment, whether it be behind a plow or in a factory, whether it be on the railroad trains, on the bus lines, on the high seas, or anywhere else. Every man and woman who desires to work in this Republic is entitled to have a condition exist that will give him or her a job anywhere and all the time. Under your bill will this be possible?

Is it possible for a man or woman out of a job as soon as this bill goes into effect, which raises the cost of living 25 per cent, to go out and get a job? Can the farmer go out and hire a man and pay him additional wages? Can any man operating a factory go out and pay additional wages? Do they do it? Right down in the State of Tennessee there is a great strike on right now, with a lot of poor men and women in distress, and yet you holler prosperity when there is no prosperity.

May God help you to go out and change this and make it an honest and a decent bill. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. HAWLEY. Mr. Chairman, I yield 20 minutes to the gentleman from North Dakota [Mr. BURTNESS].

Mr. BURTNESS. Mr. Chairman and members of the committee, we might as well all admit that out in the wide, open spaces, out in the great Northwest, and in the agricultural sections of this country generally, the tariff bill as reported by the Ways and Means Committee has been received with mingled feelings of satisfaction and of disappointment.

There is no question but that the work of the Ways and Means Committee, if carried to fruition, with reference to many agricultural products, will result in a great deal of good. This is true, in so far as the Northwest is concerned, of such products as sugar, poultry of all kinds, poultry products, beef, pork, lamb, wool, mutton, sweet clover, and other items that might be mentioned. There is a feeling that the increases provided in this bill on these products will stabilize farming in these particular lines and promote a more balanced and diversified system of agriculture.

On the other hand the section which I represent is most bitterly disappointed with reference to some other features of the bill. Outstanding among these disappointments is the fact that the Ways and Means Committee deemed it proper and advisable to provide substantial import duties upon some types of building materials, including shingles, cement, birch and maple flooring, and some varieties of logs.

It is not remarkable that news of this sort is not welcome when we realize that since 1921 agriculture has been in a state of depression, and when we realize that from year to year the farmer has postponed making his repairs to his buildings in the hope that the following year would give him a greater degree of prosperity so that he could make such repairs. Neither is it remarkable that this news is not very welcome to those of us who are living in sections which until 15 years or so ago were largely 1-crop sections and where every effort has been made by all people intelligently interested in agriculture to try to diversify our farming methods. The result is that out there in the Northwest practically every farmer to-day needs to build, if he is going to diversify, a hog house, a sheep shed, a dairy barn, or some other building that is vitally necessary in a proper diversification program. So I say this is one of the features of the bill which is not being well received, and we are genuinely opposed thereto and hope they may be changed.

Then we are also disappointed in some of the proposed increases suggested for some of the farm crops, increases regarded as not sufficient for the purpose intended.

Among these I might mention the moderate increase on flaxseed, the very small increase on screenings, bran, and mill feeds which take the place here, when they are imported into the United States, of good grain that we can raise out in the Northwest.

We are disappointed in the increase of 1 cent on sweet clover, believing that it should have been 2 cents, making the total rate 4 cents.

We had hoped for some increase, at least, and did not get any, in the case of live cattle, although beef was increased to 6 cents from the present rate of 3 cents.

We have hoped that the development of casein might be given an opportunity to expand under protected tariff rates, and that this could be made a real industry out in the dairy sections, resulting in the further utilization of skim milk. Similarly, we believe in a duty on blackstrap molasses, with a view of encouraging the use of corn in making industrial alcohol.

Other items could be mentioned, but I want to come presently to the detailed discussion of some of these items, for it is still not too late to change them.

I might say that I have with me some editorials, not from radical newspapers, but from the most stand-pat Republican papers that I know anything about in the Northwest. To illustrate our general views, let me read extracts of an editorial from the Minneapolis Tribune showing in a general way how the bill is being received. They are worthy of your earnest consideration. I will read only a few typical paragraphs.

It would be useless to deny that certain of the new tariff rates proposed by the majority of the Ways and Means Committee represent a distinct disappointment to the agricultural Northwest. The dairy interests, in particular, did not get what they want and what, in our judgment, they were entitled to receive.

Casein and butter afford cases in point. The present tariff on casein is 2½ cents. Our dairy interest wished it raised to 8 cents. This was in harmony with the expressed philosophy that the present tariff revision was intended to promote the growth of products of which we do not supply the domestic demand. None the less, the tariff on casein was not raised, and an opportunity of turning the tariff to the benefit of the Northwest was ignored. Why? Because, obviously, some American manufacturing interests want cheap supplies. The industrial East, presumably, had greater influence with the Ways and Means Committee than the agricultural Northwest.

Our dairy interests, further, wanted the tariff on butter raised to 15 cents. It now stands at 12 cents, to which it was raised by Mr. Coolidge's order. Those who have studied the butter situation closely believe that the case for 15 cents is sound. The consumer would not be affected, but the butter market would be freed from certain fluctuations which now periodically disturb it. No good reason why the request for the 3-cent raise should be rejected has yet been offered.

A substantial increase in the flaxseed duty was granted, but a more substantial increase would have been desirable. It is clear that an increase sufficient to convert a goodly amount of our wheat acreage to flax acreage would have aided Northwest agriculture in two ways. Not only should we have won a new source of income but the reaction upon our wheat prices would have been favorable.

The proposed tariff rates of 25 cents on shingles, $1.25 on brick, 30 cents a barrel on cement, 25 per cent on cedar lumber, and 15 per cent on maple lumber are all objectionable from the point of view of the agricultural Northwest. They tend to increase the farmer's costs, and should be fought.

The Northwest was further discriminated against by the committee's failure to protect the farmer against the importation of fats and oils from the Philippine Islands. The farmer knows that the Filipino neither accepts, nor is expected to accept, the duties of American citizenship. The Filipino does not pay taxes nor does he bear arms on

behalf of the Republic in time of war. He apparently is to have all the privileges of American citizenship without any of the inconveniences. Why his economic status should be a matter of greater concern to the Government than the economic status of the Northwest farmer is very far from clear.

It must be conceded that the poultry, egg, sheep, and wool rates are satisfactory to our section of the country. The increase in the tariff on sugar, too, should aid the sugar-beet industry in Minnesota. None the less, casein, butter, flaxseed, vegetable oils, and lumber remain real sources of grievance to the Northwest.

I will direct the attention of the committee for a few minutes first to one change that I believe the entire House will be willing to make, and to what I regard as being an omission on the part of the Ways and Means Committee due to the fact that they were so overburdened with work that they could not possibly consider all the problems involved, but a matter of great importance to American agriculture.

I refer to their failure to increase the tariff on live cattle. When the Fordney-McCumber bill was enacted in 1922 that bill provided for a tariff on beef from Canada and other countries of 3 cents, and it provided for a tariff on live cattle generally of 1½ cents. My understanding is that a very careful consideration was given at that time to the question of maintaining the proper relationship between the raw product, which is the live cattle, and the tariff on the finished product, and it was found that in order to maintain such proper relationship the finished product should bear twice the rate of the raw product or the live cattle.

That seems reasonable when we realize that the ordinary live critter in good condition will dress out from 50 or 60 per cent. I am now here pleading for a similar relative tariff on live cattle. I am not urging that all our beef from Canada and Mexico should come in as finished beef. What I am here to plead for is that a proper relationship be kept between the raw product and the finished product, so that there will be no great incentive to ship it in in one form rather than another [applause], and particularly so that there will be no opportunity to evade the tariff rates written into the statute books on the finished product by shipping the product in in another form. In other words, with 6 cents on dressed beef in the present bill, I want 3 cents on live cattle—at least on those practically ready for slaughter.

In the agricultural sections we have had experience with more or less tariff evasions recently. The Tariff Commission within two years raised the duty on butter. There was no application made at the same time for raising the duty on milk and cream. What was the result? After butter was raised to 12 cents they began shipping in cream with 45 per cent butter under the cream rate for the simple reason that they could bring butterfat into the United States in the form of cream at a lower duty than they could import the finished product—butter.

So I submit that if this bill should be left as now reported there will be no dressed beef, there will be no beef finished in any form, come from Canada or Mexico or from other near-by countries, because they could ship in the live cattle and save a tremendous amount of duty thereon.

Bear in mind, the bill increases the tariff on beef to 6 cents a pound, but retains the present tariff on live cattle at 1½ and 2 cents a pound.

Just see how that will figure out. Take a finished steer weighing 1,200 pounds; if shipped in alive, the duty, at 2 cents per pound, would be $24. If it dresses out 60 per cent, the carcass from that steer would weigh 720 pounds and take the 6-cent rate, and the duty would be $43.20. In other words, there will be a saving of $19.20 by shipping it in alive, and that plainly shows, of course, that the change of duty on beef from 3 to 6 cents will amount to absolutely nothing as far as the competition of beef from Canada and Mexico is concerned, unless we also increase the duty on live cattle proportionately.

Now, I want to call attention to another item of importance and that is that there is the arbitrary division in the present law and in the present bill under which cattle weighing 1,050 pounds takes one rate and those weighing less than that takes a rate one-half cent lower. I do not know why that particular figure was first adopted when the Fordney-McCumber bill was passed, but I assume it was on the theory that a finished beef ready for slaughter would weigh about 1,050 pounds. But remember, that since that time there has been developed in this country the baby-beef industry.

A baby beef does not weigh 1,050 pounds. It is the most expensive kind of beef that we buy. A live baby beef, well finished, is worth more per pound than any other live animal. Yet if you retain this purely arbitrary provision, carried in the present act as well as in the present bill, you will permit baby beef, the highest priced and valued animal on the hoof, to come in here at a lower rate than cattle weighing 1,050 pounds or more. Of course, that is absolutely unfair and certainly can not be consistent with any purpose that Congress can have in mind, and I implore you, when this matter comes up for decision, whether in committee or on the floor, that we do one of two things: Either eliminate this arbitrary provision entirely or at least reduce it to such a figure as six or seven hundred pounds so as to compel baby beef to come in at a higher rate.

Mr. SIMMONS. Can the gentleman give us any information regarding the relative importation of live animals as compared with fresh beef?

Mr. BURTNESS. I am coming to that in a moment. I propose a tariff of 3 cents on all live cattle. That means just 50 per cent of the tariff on beef, maintaining the identical relationship between the two that was carried in the Fordney-McCumber Act, and then we will find this situation: These 1,200-pound steers would pay a duty of $36 while the finished product, the dressed beef from such steer, would pay a duty of $43.20, not an unfair result, for it retains ample incentive so that the beef is likely to come in here on the hoof and be finished in our own packing plants rather than in those abroad. This general relationship which exists under the present law ought not to be changed in this bill. Increases on both products or forms thereof should be increased proportionately; that is, by similar percentages.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. RANKIN. While the gentleman has his leaders in session over on his left listening to him, would he mind discussing the tariff on hides?

Mr. BURTNESS. If I get time I shall be glad to touch the controversial subject of a tariff on hides and compensatory duties on leather and shoes. I do not want to yield now to any questions except those relating to the subject that I may be specifically discussing.

I have heard some Members say that there are not many cattle coming in, that most of the imports are in finished or canned beef. Let me give you the figures. In 1924, 141,985 cattle were imported into the United States; in 1925, 172,910; in 1926, 211,598; in 1927, over 416,000; and in 1928, over 523,000. More than half a million head of cattle in 1928! That does not mean much to us, perhaps, unless we convert those cattle into pounds and then see how the total weight thereof would compare with the total imports of beef of all kinds. I have arbitrarily converted their weights at 500 pounds per head, on the theory that they would, perhaps, average 800 pounds or more and would therefore dress out at 500 pounds each. If that were true, we imported in 1927 live cattle which would amount to 208,000,000 pounds of dressed beef, and in 1928 cattle amounting to 261,000,000 pounds of dressed beef. If you compare these totals with the totals of canned beef and dressed beef that were imported into the United States, you will find that the totals amount to between two and three times as much as the total importations of beef in any finished form, for the total importations of dressed and canned beef in 1927 were about 78,500,000 pounds and in 1928 about 119,500,000 pounds.

So what has been done in the bill up to this time is substantially this: An increase has been provided for between one-quarter and one-third of our total importations, but the committee has overlooked almost three-quarters of the importations. I say overlooked advisedly, because I do not believe the committee had time to take all these matters into consideration before making their decision. I hope it was an oversight, which we will correct with our more complete information.

Mr. CAMPBELL of Iowa. Is it not true also that during that period the foot-and-mouth disease kept out a good many cattle from abroad?

Mr. BURTNESS. Of course that is true. There is an embargo against Argentine cattle that has kept out all importations of live cattle from Argentina and reduced importations of dressed beef.

Many of you, perhaps, saw a picture that appeared in the photogravure section of the Washington Post a week ago last Sunday. I showed it to the gentleman from Texas [Mr. HUDSPETH] the other day. I have it here [indicating]. This picture shows fine, white-faced cattle being driven across the border from Mexico into the United States in large herds.

It is true that these cattle may have come in more quickly than would otherwise have been the case because of the Mexican revolution; but the fact is that these high-grade cattle, purebred cattle, as they are called in the description accompanying the picture, would have come into the United States sooner or later. The revolution brought them in perhaps a little earlier, but they were doubtless being ranged and fed down there for the purpose of bringing them eventually into the

American market in one form or another; and these cattle were brought in at the rate of 1½ cents a pound. I submit there is no reason why cattle of the size shown in this picture should take a lower rate than cattle that weigh 1,050 pounds.

Mr. MORTON D. HULL. Were not a good many head of cattle driven into Mexico from the United States two or three years ago for feed purposes?

Mr. BURTNESS. Yes; that is occasionally done, and they are generally brought back into the United States duty free under special bills that we pass here in Congress for the benefit of the American owner who has bred them here.

Mr. MORTON D. HULL. Does the gentleman count them in his enumeration of cattle imported?

Mr. BURTNESS. No. I understand the figures furnished me include only the cattle on which the duty has been paid.

I have also the figures here dividing the live cattle into veal type and others. But another thing I want to call your attention to first is this. Many of you may say that there are not many cattle coming from Mexico but only from Canada, where production costs are high. What is the situation with reference to that? Canada and Mexico are, of course, the two countries from which we get most of our live cattle. In 1927 most of them did come from Canada—287,961 head—and from Mexico, 154,801. I said most of them—a little less than two-thirds of them. In 1928 the importations from Canada amounted to 283,895 head and the importations from Mexico to 249,850 head, or practically as many from Mexico in 1928 as from Canada. I need not tell the Members of this House anything about conditions entering into the cost of production that exist in Mexico as compared with those which exist on our American farms. Lands are almost valueless, and labor is cheap and plentiful—in fact, of the peon type.

Each one of you knows that if we are to compete with competition of that sort we must have a rate, a reasonable rate of protection, in order to take care of the situation.

Mr. SIMMONS. Will the gentleman tell us what percentage of the importations pays the 2-cent rate and what proportion pays the 1½-cent rate?

Mr. BURTNESS. In 1928 of the live cattle entering the South St. Paul market only about 4½ per cent were dutiable at 2 cents per pound and 95½ per cent at 1½ cents per pound. The carload lots are averaged, as I understand it, and the duty based on average weights which may help to reduce the number taking the higher duty.

Mr. SIMMONS. Then under the present bill the effect of the tariff is to fix the rate on fresh meat four times as great as upon live animals?

Mr. BURTNESS. Yes; and it should be only twice, because practically every animal dresses out more than 50 per cent when it is slaughtered for the market. I am urging the two-to-one relationship as agreed to in the conference over which the gentleman presided.

Mr. LANKFORD of Georgia. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. Yes; certainly.

Mr. LANKFORD of Georgia. The packers would prefer no tariff on livestock and a high tariff on the manufactured product, would they not?

Mr. BURTNESS. Yes; naturally. If I were a Democrat I might be tempted to smile to myself at the present rates and hope that this bill would go through in its present form for political reasons, because then everyone opposed to the present administration could go out and make the charge that the tariff was increased on dressed beef in order to protect the packers and not increased on live cattle to protect the farmers. I am not charging that such was the intention. As I stated, I think it was an oversight, and I hope the House will change it. I think the Republicans will help me to deprive the gentleman, who is sincerely interested in agriculture, from a chance to make such an argument in the next campaign.

Mr. LANKFORD of Georgia. The natural result of the rate on live beef stock is to help the packers?

Mr. BURTNESS. Yes; but it is not the only result, for a tariff on beef will also be reflected back to the farmer and protect him against importations from Argentina, Australia, and New Zealand; but in so far as Mexico and Canada are concerned a duty on live cattle is needed just as much, if not more, than a duty on the beef in finished forms.

Mr. LANKFORD of Georgia. A low tariff on processed beef would help the consumer and a high tariff on beef cattle would help the farmer.

Mr. BURTNESS. The American farmer needs both for the competition comes in different forms from different countries. It does not help the American farmer to find canned Argentinian beef sold in our shops. The duty should keep it out unless we actually must have it to take care of our domestic consumption needs. It would do no good to impose a high rate against live cattle, keeping them out, but let processed beef come in at a low rate, thus destroying our price. There must be a proper relationship between the two to bring about the desired result, and that is what I am pleading for to-day, and I believe both sides of the aisle will assist us in getting it.

It will be noted that importations of fresh beef and veal have increased in recent years. While they were substantially decreased immediately upon the passage of the Fordney-McCumber Act, yet the rates provided by that act, coupled with the poor prices which prevailed from 1921 on, were not high enough so as to keep imports down; or, putting it in a different way, were such that the cattle on our farms decreased instead of increased.

A few figures may be of interest. In 1922 there were 34,805,000 beef cattle in the United States, and 67,264,000 cattle of all kinds. In 1924 the comparable figures were 30,972,000 and 64,507,000. In 1925 they were 29,415,000 and 61,996,000. In 1926 they were 27,267,000 and 59,122,000. In 1927 they were 25,167,000 and 56,872,000, and in 1928 they were 23,373,000 and 55,696,000. This shows that practically all of the reduction over a 7-year period has been in beef cattle, and the real reason therefor was the very poor prices existing from the latter part of 1920 until a couple of years ago. Observers now tell us that an increase is very probable.

The decreases in our own production have naturally resulted in increased importations. In 1924 we imported a total of only 13,537,010 pounds of fresh beef and 4,567,468 pounds of fresh veal. These have gradually increased so that in 1927 we imported a total of fresh veal and fresh beef together amounting to 42,573,639 pounds, and in 1928, 66,789,482 pounds. Of the 1927 importations Canada furnished 31,350,925 pounds of fresh beef and 6,429,553 pounds of fresh veal; Australia furnished 2,185,646 pounds of beef and New Zealand furnished 2,536,767 pounds of beef and 994,390 pounds of veal. The marked change in the 1928 importations is the switch to New Zealand, for in that year New Zealand, rather than Canada, furnished the larger part of the importations. To be exact, Canada imported 18,667,691 pounds of beef and 6,578,389 pounds of veal. Australia furnished 1,987,167 pounds of beef, while New Zealand furnished 29,035,016 pounds of beef and 1,331,885 pounds of veal.

In addition to the fresh beef and veal imported, there is, of course, also the canned beef, which comes mostly from Argentina, and which amounted in 1928 to 52,735,688 pounds.

Roughly speaking, the importations of all meats from cattle of the bovine species during the past few years, including cattle on the hoof, dressed fresh beef and veal, and canned beef, have ranged anywhere from about 4 per cent to 8 per cent of our total consumption.

The point is that these meats should be raised on American farms. If the duty on importations is high enough to prevent ruinous competition from abroad under conditions such as existed in the postwar period, our domestic production will be stabilized so there will not be the ups and downs in our cattle population that we have witnessed during the last 10 years. This will protect both producers and consumers against violent price fluctuations and will benefit both. I feel that 6 cents per pound on dressed and canned meats as carried in this bill is as high a rate as we can reasonably ask, but let us by all means close up the gap now existing in the bill and provide a duty upon live cattle which is relatively just as large.

I next want to turn to a crop which, in so far as my own State is concerned, is of even greater importance than cattle, and that is flaxseed. The duty carried in the present law is 40 cents per bushel. The rate proposed by the Ways and Means Committee in the pending bill is 56 cents per bushel. In the hearings before the committee, the Northwest Agricultural Foundation asked for a rate of 84 cents per bushel. I am now urging a compromise between the rate granted by the Ways and Means Committee and that proposed by the Northwest Foundation by splitting the difference between the two and making it 70 cents per bushel.

The objection I have found raised in many quarters to this proposal is based upon the fact that this question has been before the Tariff Commission and the President, and the President has by a recent proclamation increased the rate to 56 cents, while under the law he could have increased it to 60 cents per bushel. In other words, he did not increase it the full 50 per cent permitted by the Fordney-McCumber Act, so some argue that plainly shows no further increase is justified.

On May 14 I presented this matter to the Republican members of the Ways and Means Committee at considerable length, showing just why we believe we are entitled to a higher rate than that granted by the President. Lack of time prevents me from going into the matter in detail at this time, but on May

17 I extended my remarks in the RECORD by inserting the memorandum which I prepared following my argument before the Ways and Means Committee, and which memorandum was presented to the members of the Agricultural Subcommittee. You will find this memorandum on pages 1489 and 1490 of the RECORD. It shows plainly how the 56-cent rate was arrived at, and why it is objectionable in that it does not fully cover the actual differences in the cost of producing flaxseed in the United States as compared with the cost of production in Argentina, our principal competitor, taking into consideration the transportation charges in getting our northwestern flax to the Atlantic seaboard as compared with the cost of transporting the Argentine flax to the Atlantic crushers.

I therefore invite your careful attention and consideration to that memorandum. I shall continue to do my utmost to get favorable consideration for an increase by way of committee amendment, and by studying the memorandum you will readily see what our case is, and I bespeak your favorable consideration when the question reaches the floor of the House for action.

I might add that there is no import duty which is of more immediate value to our farmers than a duty on flaxseed, for every additional cent of the duty would be reflected into the price paid the farmer. On our present production in the United States, of which North Dakota produces approximately one-half, an additional 1-cent duty amounts to approximately $200,000 annually to the American flax farmers, one-half of which goes to our State. We can double our production of flax in North Dakota and thus help solve not only our own wheat problem in North Dakota but in other States as well. The 14 cents additional which I am asking for would, on the basis of a double production in North Dakota, amount to $2,800,000 annually to the farmers of my State. Similar advantages would accrue to Montana, South Dakota, and Minnesota, but what is of importance to all of you is the fact that shifting acreage from wheat to flax in the Northwest will in turn be helpful to each and every State wherever wheat is grown, even though you do not raise a bushel of flaxseed.

In conjunction with Members from Kansas, Oklahoma, and other wheat States I have appeared before the Ways and Means Committee on behalf of changes in our so-called milling-in-bond provisions. The Ways and Means Committee did not apparently see their way to grant our request, for the bill provides for no change from the present law, but we are making another effort. They have promised us renewed consideration. We hope they will approve and report a committee amendment. In any event, when the matter comes up for consideration on the floor, I expect to discuss that feature further.

In mentioning the bonded mills, I am reminded of our request for higher tariff duties on screenings and on bran and mill feeds, the by-products of such mills. There now come into the United States at a rate of only 7½ per cent ad valorem. The bill proposes to increase the rate to 10 per cent. We feel it should be at least double that figure.

Figures furnished by the Bureau of Foreign and Domestic Commerce indicate that during the last five years the screenings imported have averaged 101,000 tons. They are valued at a low figure generally from about $5 per ton up to $8 per ton, and very seldom at more than $10 per ton. These screenings include not only cereal grains taken out of the wheat but a large amount of weed seeds, including a considerable amount of dirt. Assume, for instance, that they are equivalent in weight per bushel to oats, and you will find that an annual importation of 101,000 tons becomes equivalent to more than 6,000,000 bushels of oats.

Oats is subject to a duty under the present law, as well as under the pending bill, of 15 cents per bushel, or about one-half cent per pound. In other words, the duty on oats would amount to almost $10 per ton, while a 10 per cent duty on screenings valued at only $10 per ton amounts to only $1. Please bear in mind that feed of this sort is largely substituted for oats and other feed grains, and a very substantial adjustment should be made in this duty. Such action would tend to give consumers a better quality of feed. Even as applied to bran and shorts, no one should seriously object to a duty of 20 per cent ad valorem, for all of these feeds can well be and should be raised upon American farms. The eastern dairy farmer should be willing to buy his feed from the western farmer at a fair price.

Sweet clover is another crop in which we are intensely interested. The rate in the present law on sweet clover seed is 2 cents per pound. The pending bill provides a rate of 3 cents. We ask that it be increased to 4 cents. The competition comes from a region of comparatively low production costs in Canada, and the large transportation charges on our seed to the consuming sections of the country make additional protection necessary. Encouragement in the growing of sweet clover seed is not only valuable in our diversification program in reducing our acreages of export surplus crops, such as wheat, but also in building up and retaining our soil fertility, for sweet clover is a legume, the growing of which adds nitrogen to the soil. Only about 10 pounds of seed is required per acre, so, granting an additional cent in the duty and assuming that such cent would be reflected in the price of the seed to the buyer, it would amount to only 10 cents per acre additional to the farmer in other sections who must buy his sweet clover seed. It would, however, mean $2.50 per acre to the farmer who produces it, for the average yield is about 250 pounds of seed per acre. It is only in odd years that the farmer in the Northwest, which constitutes the best section for producing sweet clover, has been able to sell his product at a price covering the cost of production. The importations from Canada during the past five years have averaged approximately 4,400,000 pounds. Why not use between 15,000 and 20,000 acres of our wheatlands for the growing of this crop? We can do so if a tariff rate is maintained high enough so as to protect us against these importations.

Aside from cattle I have limited my detailed discussion to-day to crops and products which are grown more especially in the spring-wheat area of the Northwest. In that area we are, however, also interested in many other agricultural commodities, for we can produce almost any of them and are producing a greater variety and amount each year. As to those, there is not the occasion or necessity of my laying special emphasis thereon, for Representatives from other States are giving the matter most excellent attention.

I refer, for instance, to the beet-sugar industry, the dairy industry, the encouragement of a casein industry, the growing of potatoes and the like. These are all important to us, and we in North Dakota are cooperating with the representatives of other States in attempting to secure proper protection therefor. For this reason I do not want to tire you with a detailed discussion, but I do want to emphasize the importance particularly of encouraging the growing of those crops and products of which we do not have an exportable surplus. That constitutes a sound program for agriculture. We know that the agricultural depression of the last decade has been more acute in those sections which raise largely export surplus crops than in others. We have discussed general farm legislation here for six years, due to that situation. The House has recently passed a farm bill now pending in the Senate. We propose to expend, if need be, $500,000,000 in the next few years to solve that problem. Let me emphasize that increasing such crops as flaxseed and sugar beets and bringing up our beef production to our consumption needs, and thus reducing wheat acreages, will make it easier for the Federal farm board to function as Congress intends that it should function.

I can not believe but that both of the great political parties of this country desire that the American market be preserved for the American farmer in each and every case where the American farmer can reasonably produce the product for our consuming public. Certainly, that was made most plain in the Republican platform of 1928, from which I quote the following:

> A protective tariff is as vital to American agriculture as it is to American manufacturing. The Republican Party believes that the home market, built up under the protective policy belongs to the American farmers, and it pledges its support of legislation which will give this market to him to the full extent of his ability to supply it.

This tariff bill is not perfect from my viewpoint. No tariff bill ever passed in the history of the country was regarded perfect by any one class of people or any one section of the country. The tariff is too much of a local problem for any such result ever to be accomplished. A tariff bill involves, therefore, almost countless local problems and must of necessity include compromises between producers and consumers, comprises between those interested in agriculture and those interested in other lines of industry, and even compromises between farmers of various sections. While you people from the industrial sections have more votes in the House than we who come from agricultural sections have, yet I want to emphasize again that we in the farm regions furnish you a splendid market for your products whenever our farming pays, just as your people in the industrial sections furnish to us farmers our best markets when your labor is employed at good wages. While our interests often clash, yet it can not be disputed that our interests are mutual at least up to the point of the maintenance of a fair degree of prosperity in all sections of our beloved country.

Decisions have already been made by the Ways and Means Committee indicating that improvements will be made in this bill before it passes the House that will be helpful to agriculture. From the consideration that has been given to us in the hearings before the Republican members of the committee which have been held since the bill was introduced, I feel confident that

many other adjustments will be made. Certainly, it looks now as if increases will be granted on butter and dried milk, on live cattle, on flaxseed, and other items. If such increases are granted, I shall vote for the bill.

With others from the Northwest I oppose some of the schedules included in it, the most harmful of which is perhaps the rates on various forms of building material. I shall vote to eliminate such duties whenever and wherever I have the chance, including the Republican conference. If this House fails to do so, I feel that there will still be a chance for the Senate to correct the mistake. Be that as it may, with the adjustments and changes that I am confident will be brought about in some of our agricultural schedules, I am convinced that the benefits that will be granted to agriculture by the Hawley-Smoot Tariff Act of 1929 will far outweigh such additional burdens as may be placed upon it.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. TREADWAY. Mr. Chairman, I yield 30 minutes to the gentleman from New Jersey [Mr. FORT].

The CHAIRMAN. The gentleman from New Jersey is recognized for 30 minutes.

Mr. FORT. Mr. Chairman, some years ago an eminent statesman remarked that the tariff was a local issue. This may have been true in his day, but it is no longer a fact. We have extended the protective system with each revision of the tariff to the point of a substantial elimination of the free list, and consequently to the point where the products of every section of the Nation are now embraced within its duties.

The policy is so firmly established nationally that however economists may orate as to the ideal condition of free trade no practical man seriously thinks to-day that the Nation can or will abandon the principle of protection. Not even the old-time acolytes of the free-trade goddess, our friends the Democrats, remain true to their ancient faith. There are on the floor of this House no more earnest and devoted advocates of increased duties than the gentlemen who sit on the Democratic side of the aisle. The only difference between them and the majority is that apparently they favor high rates of duty only on the products of their own districts; that they still adhere to the theory that the tariff is a local issue and refuse to approach it from a national viewpoint.

This attitude of theirs contains a singularly subtle compliment to the Republican Party. Man after man on the Democratic side has arisen in this debate to press or urge duties in the bill for home-produced commodities, and then stated his intention of voting against the bill, although it contains them. Unless they had complete confidence in the sense of fairness and justice of the Republican side of the House—unless they know that, despite their refusal to support a nationally framed tariff, we would still retain in the bill, where justified, the rates that their industries need they would not dare to assume this position. [Applause.]

We thank them for the compliment. We are proud to feel that we deserve it. But we can not refrain from suggesting to them that their party will not deserve and will not gain the confidence of the American people until they demonstrate to the Nation that they can approach national problems from a national rather than a selfish and local viewpoint. [Applause.]

The framing of a tariff bill which shall be exempt from criticism is a task defying the mind of man. With some 10,000 items mentioned in the bill, and probably as many more items produced in the country and unmentioned, it is unthinkable that unanimity of opinion can be secured on its provisions. None of us is familiar with conditions affecting all of the various industries of the Nation, and if we were, our viewpoint might differ as to their needs. The fact, therefore, that there are items in this bill over which controversy wages or may wage—the fact that undoubtedly there are items in this bill which will not work as intended by Congress—can not fairly affect our judgment of it as a complete document.

This attitude was very well expressed in a letter I received the other day from one of the leading manufacturers of America. He was here the day the bill came out of committee and was quite annoyed at the absence of certain duties from the schedule in which he was personally chiefly interested. He went home still annoyed. After he had been there a few days he wrote me that he had revised his opinion, and that the bill was probably the best tariff ever written because he found that neither manufacturers, wholesalers, importers, retailers, or consumers were satisfied. He had, therefore, decided that the bill must have been written to consider all viewpoints.

To me, this is the philosophic view that must apply to all tariffs. The producer can not be given protection and at the same time the consumer the lowest possible price. The consumer can not be given low prices without wrecking our agriculture and industry. If this bill, as his letter indicates, steers the middle course between these hazards, then, as I believe to be the fact, the Republican membership of the Ways and Means Committee is entitled to the gratitude and admiration of the Nation.

And in this connection may I add the further thought that so long as the theory prevails at all that the tariff is a local question, there is inevitably bound to be in the preparation of any bill some logrolling? Madison, in the Federalist papers, said that the purpose of the set-up under the Constitution was to produce a government by compromise—that the interests of no section should dominate over the interests of the whole.

When this is applied practically to tariff it must mean that groups of Representatives in Congress shall urge the interests of their local industry. This becomes improper only if it be made the basis of trading arrangements by which duties too high or too low are forced on certain groups of commodities without consideration of the status of other commodities. Perfect adjustment is impossible; but having been here through the recess, having harrassed the always courteous members of the various subcommittees with prolonged argument for or against this or that class or rate of duty, with alternating success and failure, it is my sincere conviction that the Republican members of the Ways and Means Committee in the drafting of this bill have been less influenced by logrolling than have their predecessors in the drafting of any like bill. [Applause.]

The tariff system has been a process of slow development. Initially it was fundamentally for the protection of so-called infant industries. To-day it is a system for the protection of the American standard of living, which, in large part, is directly the product of the original protection of infant industries.

Favored beyond any of our rival nations, with the possession of an enormous variety of climate and an almost complete equipment of natural resources, it has been possible to build up the structure of our Nation into one of almost complete economic self-sufficiency. No nation in history has come so close as the United States is to-day to the point where it could build a wall around itself and live without substantial reduction in the scale of its civilization.

This condition is, in part at least, the direct result of the encouragement of industry through the protection of its domestic market. Men have not hesitated to expand and develop the capacity, whether in farm or factory, to absorb the home market, because they have not feared wreckage at the hands of foreign competition.

At no time has economic self-sufficiency been so vital as at the present day. The lessons of the World War passed from mind quickly, but certainly we still realize that the great power of Germany in the early years of the war was due to apparently complete economic preparation, quite as much as to efficient military preparation. And it must be equally conceded that her utter collapse at the end was at least as much due to the exhaustion of foodstuffs and various other material resources as to any defeats in the field. It is the first great war in history which has ended in complete surrender by the nation whose troops were still fighting in the land of the victors.

To my mind, no measure of national defense which we can adopt—neither Army nor Navy nor airplanes nor chemical preparation—can equal, in its efficiency as a preventive of future war, the development and continuance of this Nation, so far as may be, as a complete economic unit. Other nations may gain in military or naval power, but they will not attack the United States if its economic structure has no Achilles' heel. Such experiments as Mr. Edison's with synthetic rubber offer greater insurance against war than all our military equipment.

It is, therefore, as I see it, the function of tariff legislation to develop new—or increase the productivity of old—industry to the point where it is capable of supplying domestic needs both in peace and, so far as possible, in war. In this conception, tariff is less for the raising of price levels than it is to render certain that the development of productive capacity in any line of industry can not be threatened with the loss of the domestic market to foreign competitors.

The ideal tariff is that which preserves to our producers such proportion of the domestic market as they can supply, but at the same time does not raise prices above the levels which insure high wages and fair profit. It is not the purpose of tariff to give, and tariff can never give, price protection against domestic competition. If our capacity or our production is greater than our domestic needs, then inevitably the price must fall toward, if not to, the price at which the surplus production can be sold.

I have endeavored to study the bill submitted by the Ways and Means Committee in the light of this viewpoint of the

purpose of our protective tariff system. As a result, representing a district chiefly of consumers but containing considerable industry, I rise not to defend but to urge certain tariff schedules, affecting commodities no one of which is produced in my district but all of which are there consumed.

The fundamental purpose of the revision of this tariff was to give additional protection to the products of agriculture. Has this purpose been achieved in the pending bill without undue punishment of the consumer? There are a few items which I shall take as illustrations which have been attacked in various consuming centers.

I have heard complaint, for instance, at the fixing of the duty on butter at 12 cents instead of 8, as in the old bill, and at the raises of the rates on milk and cream. These complaints completely ignore the fact that the Tariff Commission a year or more ago, after exhaustive investigations, recommended to the President the raising of the tariff on butter from 8 to 12 cents on the ground—borne out by considerable quantity importations of butter—that foreign dairymen could undersell American dairymen in our own market due to lower production costs abroad. The bill therefore simply carries forward the rate fixed by President Coolidge, on the recommendation of the commission, as the proper and fair measure of the difference in the cost of production.

Similarly, the President on like report from the Tariff Commission has raised the rate on milk and cream to 3¾ cents a gallon on milk and to 30 cents a gallon on cream. This bill further increases milk and cream rates to 5 cents and to 48 cents.

Why is this done? First, because the President, on the report of the Tariff Commission, raised the duty before as far as the old law permitted, but stated that the commission reported that even this was an insufficient increase. This error the committee has corrected and has set the duty at a sufficient rate. The second reason is that, of course, butter is made from milk and cream, and, of course, in fixing the butter rate at 12 cents the commission took into account the value of the milk and cream in the butter here and abroad. On this value and cost of production basis it is purely a mathematical computation to determine what rate should be applied to milk and cream if butter is entitled to a 12-cent duty, since they are the raw materials of butter. This the committee has done and has raised milk 1¼ cents a gallon and cream 18 cents a gallon.

It would be an absurdity to protect the dairy which manufactures butter from cream and permit the entrance of cream from our competing neighbors at a rate of duty that would drive the American dairymen out of keeping cows. Nor, in the long run, would the domestic consumer of milk be benefited by permitting foreign competition to drive American dairymen out of the production of milk and thus lessening our domestic supply and forcing the consumer to buy milk which has been carried many hundreds of miles before delivery.

Mr. BROWNE. Will the gentleman yield?

Mr. FORT. Yes.

Mr. BROWNE. In regard to the findings of the Tariff Commission on butter, they found——

Mr. FORT. I can not yield for a speech. I thought it was a question.

Mr. BROWNE. The gentleman stated——

Mr. FORT. I can not yield for anything but a question. I have not the time.

Mr. BROWNE. I thought the gentleman yielded for a question.

The CHAIRMAN. The gentleman declines to yield.

Mr. FORT. The tariff on cereals generally is fixed at figures reached by the Tariff Commission on wheat and the necessary compensatory figures on other cereals. These duties affect the consumer in relatively small degree if our production continues to be enormously in excess of our needs; but since we wish our farmers to continue raising a surplus of cereals in order that we may not come short in time of bad crop or war, we must give a rate which prevents flooding of our market by cheaply grown foreign cereals. The tariff is very helpful to the high-protein wheat producer. We want more high-protein wheat but would raise none without a tariff.

Mr. RANKIN. Will the gentleman yield for a question?

Mr. FORT. I will yield for a question.

Mr. RANKIN. I want to ask the gentleman why it is, then, that according to to-day's quotations wheat is 11 cents a bushel greater in Winnipeg than it is here?

Mr. FORT. It is because you have too much domestic competition and too much surplus. The world crop is 160,000,000 bushels above last year and when that is true you will always have that kind of price.

Mr. RANKIN. Will the gentleman yield further on that question?

Mr. FORT. No; I can not, because I have not the time. If I could get additional time I would be glad to yield.

Mr. RANKIN. I will try to get the gentleman additional time.

Mr. FORT. But I fear the gentleman would not have influence in the right place.

Mr. RANKIN. I hope not.

Mr. FORT. When we come to flax, another factor enters into the situation. No one will dispute that there are sore spots of serious moment in our general agricultural set-up. One of these is that we do produce too much of many varieties of wheat at the same time that we do not produce enough flax to supply our home market. An increased duty on flax meets all the theories of protective tariff. It helps foster a relatively infant industry; it promotes the diversification of our agriculture; it promises to increase our production of a commodity we now have to import in large quantities and thereby to increase our economic self-sufficiency; and it tends to reduce our wheat acreage by making a substitute profitable.

Sugar is one of the sore thumbs to the consuming sections of the Nation and to those who, like myself, have the friendliest of feeling for our neighbor, Cuba. But what are the facts as to sugar? First and most important, we adopted as a national policy many years ago the effort to expand our sugar production. Forty years ago we went so far as to offer a bounty to the producers of sugar. We have always since—and I believe properly—regarded our sugar producers as performing a national service to the extent that they made us independent of importation for the supply of our domestic market.

Sugar is a vital commodity of modern life. The United States should remain a producer of sugar for so much of its consumption as it can develop wisely at home. But whether this is true or not, the Nation could not justify a past policy of inducing men to enter the sugar-growing business and then leave them defenseless in their time of greatest need.

The present price of sugar, due to world overproduction, despite great increases in consumption, is without question below the cost of possible production. It is certainly below any price to which the consumer has for any length of time in recent years been accustomed. [Applause.]

An increase in the duty, then, at the time of great distress in the industry, can produce no real harm to the consumer since, even at the rates projected in this bill, he will still buy sugar below the accustomed level of the past. This very fact proves the case of the sugar producer. As a nation, we have asked him to go into the business; as a producer, he is justified in return in asking us for protection against the lowest price levels in history. [Applause.]

I would personally greatly prefer to the schedule in the bill the adoption of some sliding-scale proposal such as I understand was considered by the committee; that is, a scale relating the duty to the price. I would not feel that the rates of duty in the present bill could be justified if the price of sugar due to reduction in world production reached the 6-cent level. I therefore sincerely hope that some method may yet be evolved for applying the sliding-scale principle at least to this rate of duty. We could then satisfy the moral demands on us as a nation for the protection of the industry we have asked men to engage in by assuring them a reasonable profit, without also giving them an unreasonable profit and the consumer an unreasonable price in the event of short production abroad. Any such sliding-scale provision should be coupled with regulations preventing importations in bond in the hope of securing a lower rate of duty at the date of manufacture than the one prevailing at the date of importation.

Sugar, also, like flax, has great possibilities as a means of diversifying our agricultural production; of cleaning and refertilizing, through natural means, our lands; and of thereby improving generally the status of our agriculture.

Mr. WOODRUFF. Will the gentleman yield for just one question?

Mr. FORT. I have only 7 minutes, and I have 15 minutes' worth of talk left. I am sorry.

Mr. WOODRUFF. The gentleman evidently has much more than that under his hat, and we would like to hear it all.

Mr. FORT. The only argument which seems to me worthy of consideration against the projected sugar duties at the present low price of sugar is the argument based on friendliness for our southern neighbor, Cuba. I agree that we owe to the Cuban people our friendliest cooperation, but it must not be overlooked that they now enjoy a tariff advantage of 20 per cent against the other nations of the world, and that this advantage is preserved to them in the bill. We are giving them most-favored-nation

treatment and can not, therefore, justly be accused of any lack of neighborliness.

The tariff on fresh vegetables and fruits also seems to me a necessary part of our program of agricultural diversification. It will, of course, operate almost entirely against importations from Mexico and the Caribbean Islands in the winter and early spring season. If it increases price, therefore, it will do so only at the expense of those now able to purchase fresh vegetables in the high-cost season and not of the average consumer of such commodities when normally they are in our market.

This tariff, further, is, I believe, necessary in order to prevent the development in our near-by neighbors of a fresh-vegetable and fruit industry at the lower labor cost which there prevails, which might seriously threaten our farmers throughout the year. From the standpoint of the maintenance of our international relationships on a friendly basis, it is far wiser to put this tariff on before the competitive industry has developed elsewhere than to wait until it is fully developed and then close the doors of our markets to neighboring producers. [Applause.] From the consumer's viewpoint, the practically instant rise in price which followed the outbreak of the Mexican revolution demonstrates the wisdom of maintaining our domestic production.

On the vegetable-oil tariff I have not been able to agree with the proponents of this form of agricultural tariff, nor in the case of casein or cotton. The vegetable-oil tariff under present conditions would amount to little or nothing in its effect, since our chief importations are from the Philippines. The proposals to limit importations from the Philippines are subject to the same moral objection which has made me favor the increase in the sugar duty, namely, that our past conduct must control our present action. We owe to the people of the Philippines, so long as we retain control, either completely or in any degree whatsoever, over their destiny, not merely equal but favored treatment. There can be no possible justification in morals for any nation to deny to another complete and absolute independence unless it also accords to that other a status of real economic and other assistance. [Applause.] The nation which starves its dependencies is no better than the man who starves his children. [Applause.]

On casein I should favor a higher tariff if and when the American producers raise the quality of a sufficient part of their product to an equal basis with the quality of the imported article. But I can not believe it wise to deteriorate the quality of a manufactured article such as paper through forcing the use of poorer casein in its manufacture.

On long staple cotton, I should personally favor a tariff if I believed it were the way to rehabilitate the sea-island cotton industry of South Carolina and Georgia. Indeed, one of the great cotton manufacturers of the Nation—the chairman of the Cotton Textile Manufacturers Tariff Committee—appeared before the Committee on Agriculture favoring any steps, however costly—steps far more radical than a tariff on cotton—which could be devised to rehabilitate this industry. Unfortunately, it is the boll weevil and not the price which has ruined this once profitable form of cotton production. In the absence of sea-island cotton, our manufacturers must have cotton of equivalent quality and the cotton of Mississippi, fine as it is, does not meet many of the requirements of industry. Therefore, as in regard to casein, it seems to me unwise to require our textile industry to use the poorer quality or penalize it in price if it uses the better quality. Depreciation in the quality of our products is not the road to greater economic self-sufficiency.

Among the industrial tariffs, I am particularly gratified personally that we propose in this bill real assistance to the cotton and woolen manufacturers. No one needs proof that our formerly great and highly prosperous textile industry has fallen upon hard times. No one could visit the once thriving New England textile centers and doubt it. Part of the troubles undoubtedly come from domestic overproduction—just as is the case with wheat. But certainly, as in the case of wheat where we have the capacity to oversupply the home market, it would be absurd and illogical in a nation committed to the protective tariff to force our expanded industry to share that market with foreign competitors. As long as we have an overproduction capacity, the consumer's price can not be raised unduly, but neither should the producer's price be reduced by the low cost competition of foreign mills.

I believe that the schedules fixed by the committee will accomplish their purposes in this respect; and while the weaker mills and those with less efficient management will probably, one by one, fade from the picture until capacity is brought down in proportion to need, nevertheless the process will be less drastic, unemployment less frequent, and the results on our whole economic structure less severe, if we lend this crutch to the crippled industry during its period of recovery from its ailments.

I hope the Ways and Means Committee will see fit to increase the rates proposed on wrapper tobacco. A strange situation exists in this respect in that the increase is asked for, not only by the growers in Georgia, Florida, and Connecticut but by the manufacturers who use it—one of the largest of which is in my district. The manufacturers fear the loss, particularly, of the Florida industry unless it is given tariff assistance, and they state that the Florida wrapper is essential to the maintenance of their established brands. Where the manufacturers who must buy the tobacco favor a higher tariff on their raw material, the requested increase must, it seems to me, be sound.

So much for the bill as it stands. There is another phase of the whole matter that I would like briefly to bring to the attention of the House.

The general theory underlying any revision of the tariff is that duties are increased where the quantity of importations of the commodity is trenching upon the capacity of efficient American producers; that they are decreased when the quantity of importations is so diminished as to be disturbing to the American consumer, either through shortage or increase in price levels; and that, in the case of the free list, it is desired to leave the quantity of importations undisturbed.

The flexible provisions of the tariff acts do not include quantity of importation as one of the measures to be used in arranging duties. It is further essential probably for the constitutionality and certainly for the wisdom of any flexible provision that Congress shall first have fixed some rate of duty on the commodity; in other words, the flexible provisions should not operate as to articles which Congress has put on the free list. Ordinarily flexible provisions operate by percentage only—the power of the President being limited to increasing or decreasing rates fixed in the law by one-half.

Articles on the free list fall generally into one of four classes. There is, first, the class including Bibles, bread, works of art, and so forth, which are on the free list as a matter of public policy. Second, there is the class which is not produced at all in the United States, such as rubber, coffee, and so forth, which Congress as a matter of policy has determined shall not be used for revenue purposes. Third, there is the class of which we produce some but not enough for our needs, such as hides and gypsum. Fourth, there is the class of which we can produce enough for our home consumption but on which generally we can undersell the world in our own market, either by virtue of efficiency of manufacture, as in the case of shoes, or freight advantages, as in the case of phosphate rock.

As to the first two of these classes, the question as to whether they go on the free list or have a duty is a major question of public policy not involving the protective principle in any way, and Congress should not delegate any power over such articles to the Tariff Commission or the President. As to the third and fourth classes, however, they are as much entitled to the benefit of the protective principle if they prove to need it as any other commodities.

History shows us that tariff revisions are never less than seven or eight years apart. In that period, as happened on cement and brick on the seaboard, since the passage of the Fordney-McCumber Act, serious trouble may arise through the development either of cheaper water transportation or new competitive conditions abroad. It seems an illogical absurdity as to commodities which may need protection to require them to wait, if on the free list, seven or eight years for relief while permitting the President, on the report of the Tariff Commission, to modify rates fixed by Congress in the range of 50 per cent up or down, or, in other words, an amount equivalent to the entire duty fixed by Congress.

As to the commodities in the third and fourth classes now on the free list, therefore, such as hides, leather, harness, shoes, phosphate rock, vegetable oils, and so forth, it is suggested that they be set up in a separate class on which there should be fixed a merely nominal—say, 1 per cent—rate of duty; but that as to such commodities there shall also be fixed by Congress a maximum rate of possible duty which, in the judgment of Congress, shall prove sufficient in any event to be protective. The President should be authorized, on recommendation of the Tariff Commission, to fix the rate at any point between the minimum and the maximum, and should be authorized so to proceed upon proof that quantity importations of the article have reached a point which is absorbing a greater proportion of domestic consumption than had heretofore been the case—say, had exceeded the imports of the last 12 months before Congress passed the last tariff bill.

This type of flexible provision is needed in cases where the duty fixed is merely nominal since, of course, the 50 per cent increase or decrease in a nominal rate is useless.

This proposal, if adopted, would probably prevent foreign producers from increasing their capacity in the hope of entering

the American market pending the adoption of a new tariff bill some years hence. It would also permit the Executive to secure definite assurances that action on his part, in the direction of increased duty, would not be followed by disproportionate increases—or in some cases by any increase—in the cost of the finished article to the American consumer.

If such a provision had been in the Fordney-McCumber Act, the cement, lumber, and brick industries would probably have needed no relief in this bill, for foreign producers would have made no effort to flood our market. Similarly, to-day it would be the best form of protection, for example, to live cattle, which need little or no duty against current importations, but may need more than a cent and one-half if the foot-and-mouth disease is conquered in other lands and the embargo lifted; or to shoes, which probably need no duty against last year's imports, but will need a substantial one if Czechoslovakia further increases its capacity in the effort to get our market.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. TREADWAY. I yield the gentleman two minutes more.

Mr. FORT. The only objection that I have heard to this proposal is that it delegates too much of the power of Congress to the Executive. To me, this is not convincing for two reasons. First, as I have said, it is unjust to delegate, as we do, power to modify a rate once fixed in a hundred per cent range and then refuse to delegate any power to protect an industry solely because it does not happen to need protection at the moment we happen to be considering a tariff bill. Unless we are prepared—which I am glad we are not—to consider tariff revision annually, we should place this power somewhere else, carefully safeguarding its use.

The second reason is that Congress, it seems to me, has lost nothing but trouble in its delegation of other like powers—as, for example, over railroad rates. I believe we will be a stronger body, both in fact and in the public mind, if we rid ourselves of as many detail and administrative matters as possible, for we will then have—what sometimes we now lack—time for the thoughtful consideration of matters of vital public policy. Let us make the rules and declare the policies and let somebody else attend to the details. This would more certainly make us a great parliamentary body than will insistence on our power over details. [Applause.]

Another matter which seems to me should be strengthened in the bill as introduced is the prohibition against imports of convict labor. This prohibition is now limited to manufactured articles. It should also include articles mined or otherwise produced or transported by convict labor. We prohibit in interstate commerce the interstate transportation of articles manufactured, mined, or produced in this country by such labor, and we should apply the same rule to foreign nations. Labor in this country has asked for this strongly and public policy demands it.

Finally, gentlemen, may I close as I began and as I have tried to remain throughout. The tariff is a national not a local question. We sit here to-day as Representatives not of but from our districts, to speak and to act not as Texans or as Jerseyites, but as Americans in the drafting of legislation for the common interest. I believe the Ways and Means Committee has worked from that viewpoint, and I shall vote for the product of their labor. [Applause.]

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. TREADWAY. Mr. Chairman, I yield to the Commissioner from the Philippines [Mr. GUEVARA].

Mr. GUEVARA. Mr. Chairman, I ask unanimous consent to print in the RECORD at this point an article from the Farm Journal, this month's issue, to supplement the statement made by the gentleman from New Jersey [Mr. FORT] regarding the Philippines.

The CHAIRMAN. Is there objection?

There was no objection.

The article referred to is as follows:

COMPETE OR SET THEM FREE

It will give our folks some new ideas on the Philippine question, we are sure, if they will read Commissioner PEDRO GUEVARA'S article on a previous page.

While Mr. GUEVARA speaks chiefly of sugar and the effects of its importation into the United States, the same thing applies even more strongly, if anything, in the case of coconut oil and hemp and other products.

It is plain, he says, that farmers will help themselves most powerfully by helping to carry out immediately our Nation's promise to give the islands their independence. Free and outside our tariff wall, Philippine sugar and oil would no longer compete so destructively with our beet growers and dairymen and cotton growers.

The other alternative—to hold the islands and still impose tariffs or restrictions on their products—is impossible, we trust. It was just such injustice that made this a free Republic instead of a division of the great British Empire.

Recalling our own wrongs of a century and a half ago, we hope and believe the Republic is incapable of such tyranny.

Mr. TREADWAY. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. SELVIG].

Mr. SELVIG. Mr. Chairman, my purpose in taking the floor to-day is to discuss the idea of enacting a tariff law that will substantially encourage the production of nonsurplus farm products with a view to reduce and eventually to remove the price depressions which result from the production of unwieldy surpluses. In order to present a complete picture of the possibilities in this direction, it will be necessary to know how extensively competitive farm commodities are now being imported into the United States.

I am convinced that the increased flow of competitive agricultural products from foreign countries seeking markets in the United States since the war has been a contributing cause of the farmers' distress. The emergency tariff act in 1921 closed the floodgates somewhat in an attempt to give the home market to the American farmer. The tariff act of 1922 went still farther, but the flood has continued and is still running high. A very substantial service will be rendered to our farmers if the shortcomings of our present tariff law in this respect are remedied.

It is admitted by all that the farmers are still suffering from the most severe agricultural depression that this country has ever known. The crisis resulted in losses to our farmers unprecedented in the history of our country. As long as our farmers are compelled to sell their products in competition with the producers of other countries, which is the case with the surplus products, and to compete here against cheaply produced farm imports from foreign countries, it will be impossible to maintain the American standard of living on our farms.

The American farmer can not compete with imported agricultural products created through cheap foreign labor and lower standards of living, nor can he compete in foreign markets for the sale of his products at world price levels arising out of foreign production standards and foreign buying power.

The industrial groups of our country have long maintained that they can not face foreign competition in manufactures and maintain wages based on the American standard of living. They have succeeded in securing ample tariff protection for the major part of the great industrial production, and are asking for more. The farmers have come to Washington this year to ask for equal treatment. They ask for equality; no more, no less.

The only reason why Congress is assembled in this special session now is that public sentiment, recognizing the deplorable conditions which exist among our farmers, supported the demand that something be done. This sentiment was expressed at the Kansas City convention of the Republican Party when the party platform, in dealing with the tariff, included the following pledge:

A protective tariff is as vital to American agriculture as it is to American manufacturing. The Republican Party believes that the home market, built up under the protective policy, belongs to the American farmer, and it pledges its support of legislation which will give this market to him to the full extent of his ability to supply it.

We favor adequate tariff protection to such of our agricultural products as are affected by foreign competition.

This pledge is understood by the farmers of the United States to mean just what it says, which is that the home market, so far as this is possible, is to be given to the American farmer.

Now, let us see what is the present situation. Foreign importations of competitive agricultural products to the United States amount to an enormous total. The total aggregate shows clearly that this exceedingly large volume of farm imports annually crowds out the products from our own farms.

In cooperation with members of the staff of the Tariff Commission tables showing the domestic acreage displaced by competitive farm imports have been prepared. I have attempted to estimate the total annual average acreage that would have been required to produce specified commodities imported into the United States for consumption for the years 1925 to 1928. The volume of imports substantiates the statement I made here a year ago, in discussing the tariff in relation to agriculture, that we do not produce our surplus. We import it.

At the outset, it is well to get a picture of the total acreage, the crop production, and the farm value of the crops in the United States. I am placing this in the RECORD at this point as reported for 1928.

1928 crop report

Crop	Production	Acreage	Total farm value based on Dec. 1 farm price
			Dollars
Corn.....bushels	2,839,959,000	100,761,000	2,132,991,000
Winter wheat.....do	578,964,000	36,179,000	599,557,000
Durum wheat.....do	92,770,000	6,711,000	66,739,000
Other spring wheat.....do	231,015,000	14,834,000	210,897,000
All wheat.....do	902,749,000	57,724,000	877,193,000
Oats.....do	1,449,531,000	41,733,000	592,674,000
Barley.....do	356,868,000	12,539,000	197,128,000
Rye.....do	41,766,000	3,444,000	36,067,000
Buckwheat.....do	13,163,000	750,000	11,525,000
Flaxseed.....do	19,321,000	2,721,000	38,857,000
Rice, 5 States.....do	41,881,000	965,000	30,077,000
Grain sorghums.....do	142,533,000	6,497,000	88,471,000
Cotton.....bales	14,373,000	45,326,000	1,291,589,000
Cottonseed.....tons	6,390,000		231,923,000
Hay, tame.....do	93,031,000	57,775,000	1,148,283,000
Hay, wild.....do	12,922,000	13,144,000	95,076,000
All hay.....do	105,953,000	70,919,000	1,243,359,000
Clover seed.....bushels	1,106,000	713,000	18,038,000
Beans, dry, edible.....do	16,598,000	1,577,000	66,639,000
Soy beans.....do	16,305,000	1,122,000	29,282,000
Peanuts.....pounds	1,230,390,000	1,909,000	56,082,000
Cowpeas.....bushels	13,395,000	1,388,000	25,822,000
Velvet beans.....tons	705,000	1,541,000	
Potatoes, white.....bushels	462,943,000	3,825,000	250,043,000
Sweet potatoes.....do	77,661,000	810,000	72,680,000
Tobacco.....pounds	1,373,501,000	1,912,100	254,322,000
Sugar beets.....tons	7,040,000	646,000	50,525,000
Sugar cane.....do	2,540,000	157,000	10,080,000
Cane sirup.....gallons	21,783,000	113,000	16,596,000
Sorghum sirup.....do	26,972,000	348,000	24,683,000
Broomcorn.....tons	45,500	252,000	4,850,000
Apples, total.....bushels	184,920,000		185,126,000
Apples, commercial.....barrels	35,308,000		98,287,000
Peaches, total.....bushels	68,374,000		63,649,000
Pears, total.....do	23,783,000		24,246,000
Grapes, total.....tons	2,636,076		49,041,000
Oranges.....boxes	43,000,000		130,500,000
Grapefruit.....do	8,000,000		20,400,000
Lemons.....do	7,100,000		22,720,000
Cranberries.....barrels	531,000	28,570	7,743,000
COMMERCIAL TRUCK CROPS			
Asparagus.....crates	9,235,000	94,930	13,928,000
Beans, snap.....tons	147,200	135,060	14,940,000
Cabbage.....do	976,900	136,850	23,488,000
Cantaloupes.....crates	15,521,000	100,400	20,261,000
Carrots.....bushels	6,400,000	22,620	4,595,000
Cauliflower.....crates	4,987,000	20,650	5,509,000
Celery.....do	7,173,000	26,400	14,005,000
Corn, sweet (canning).....tons	536,400	289,180	6,896,000
Cucumbers.....bushels	8,535,000	111,740	8,998,000
Eggplant.....do	896,000	3,890	777,000
Lettuce.....crates	18,589,000	126,780	31,530,000
Onions.....bushels	19,025,000	77,480	22,574,000
Peas, green.....tons	277,000	267,610	19,848,000
Peppers.....bushels	4,418,000	18,510	4,091,000
Potatoes, early.....do	55,368,000	400,720	31,047,000
Spinach.....tons	138,200	63,270	7,653,000
Strawberries.....quarts	324,999,000	202,580	44,440,000
Tomatoes.....tons	1,405,400	401,850	40,940,000
Watermelons.....number	61,773,000	210,450	10,958,000
Total with duplications eliminated		360,952,920	8,456,052,000

The annual average of domestic acreage that would have been required to produce farm commodities imported into the United States for consumption computed for the years 1925–1928 is given in the next table. The total is 90,202,500 acres. It is estimated in addition that nearly 5,000,000 acres of corn were displaced by imports that could as well have been produced from corn.

Summary

TOTAL ANNUAL AVERAGE OF DOMESTIC ACREAGE THAT WOULD HAVE BEEN REQUIRED TO PRODUCE SPECIFIED COMMODITIES IMPORTED AND SHIPPED INTO THE UNITED STATES FOR CONSUMPTION, 1925–1928

Commodity group	Domestic acreage equivalent		
	Range and pasture	Cultivated crops	Total
	Acres	*Acres*	*Acres*
Cereals, fruits, oil-bearing seeds, nuts, sugar beets, tobacco, hay, and fresh vegetables		8,045,836	8,045,836
Cattle, sheep, and hogs, live, dressed, and prepared, and improved wool	77,197,818	2,775,893	79,973,711
Cotton lint, short and long staple		960,909	960,909
Milk, cream, and butter, including condensed, evaporated, and other prepared products	450,632	207,396	658,028
Miscellaneous, including grass and vegetable seeds, hops, and others		564,016	564,016
Total	77,648,450	12,554,050	90,202,500

Imports of vegetable, animal, and marine fats and oils displace a considerable domestic acreage that could be utilized in the production of substitutes. The total acreage would therefore be in excess of 90,202,500, if acreage for specified substitute products were included. Limitation of time has prevented the compilation of detailed data showing the equivalent acreage for each of these substitutes. I have, however, estimated this acreage at not less than 2,000,000 acres. It is probably greater than this figure. Perhaps 10,000,000 acres would be a more accurate estimate in view of the heavy importations of vegetable oils and sundry fats.

Before giving what may be termed a very conservative figure regarding the acreage that would have been required to produce competitive farm commodities imported, I desire to call attention to our wool imports. In the summary of acreage equivalent of farm imports you will recall that livestock is credited with 79,973,711 acres. As I will show you later, the average annual imports of wool in terms of domestic fleeces would require on the average 73,483,046 acres of range and pasture and 2,002,964 acres of crop land if all the imported wool were produced in this country.

It would be impracticable to produce all the wool of the higher grades that are imported, because in that case an unusual surplus of mutton would be produced. Instead of including the 75,486,010 acres estimated for the wool imported, I am including only 20 per cent of that acreage, or 14,716,490 acres, for the reason already stated.

It is estimated that 3,790,460 acres of sugar beets would be required to produce the total of sugar now imported. It is doubtful whether our domestic production of sugar will increase to a point where all the sugar needed in the United States will be procured from the domestic production of sugar cane or of sugar beets. This is especially true if duty-free importations from the Philippine Islands are to continue indefinitely. In fact, I can readily believe that our domestic sugar industry will be completely destroyed by the increasing volume of Philippine imports.

Be that as it may, I have arbitrarily omitted the sugar-beet acreage in arriving at the total acreage, as no one is in a position to state what the future trend may be in the matter of domestic sugar-beet acreage. The domestic sugar-beet industry should be increased, but no one can foretell what will happen to this great and valuable industry.

A conservative estimate of the total acreage that would be required to produce these competitive agricultural imports, based on the average imports for 1925–1928, is 32,000,000 acres. In arriving at this figure, I reduced the figures for wool by 80 per cent, omitted the acreage for sugar beets entirely, increased the figures for corn, and included an estimate of 2,000,000 acres for substitutes of imported oils and fats. Here are the figures:

ACREAGE EQUIVALENT OF COMPETITIVE AGRICULTURAL IMPORTS

	Acres
Total acreage, excluding sugar beets and including only 20 per cent of wool	26,023,226
Corn, not included in above	4,840,009
Substitutes for oils and fats	2,000,000
Total	32,863,235

The total of 32,000,000 acres is nearly one-tenth of the entire farm-crop acreage in the United States. It equals two times the crop area of my own State of Minnesota. It equals the 1927 crop area of all the New England States, New York, Pennsylvania, New Jersey, Ohio, and Oregon combined.

These figures are supported by carefully prepared estimates. I shall insert in the RECORD the detailed figures. I have not included numerous explanatory notes which I have in my possession and that can be seen in my office at any time.

If any one believes that our present farm tariff rates fully protect our farmers let him give a little time to the study of these figures. The farm organizations may have seemed to be unduly insistent upon having their requests granted in the pending adjustment of our tariff law. We most strenuously contend that they have a full right to be insistent, persistent even, because a serious situation confronts our farmers.

We are trying to save our agriculture from ruin. This ought to be the concern of every thinking American citizen, but right here in the House of Representatives we are met daily with the assertion that the farmers have been liberally treated and that the farm tariff rates are already too high.

Farm imports which displace the production of 32,000,000 acres of crop land are nothing short of staggering when one begins to study the situation. No wonder we are confronted with a farm surplus problem. No wonder that our farmers took heart when the Republican Party in convention assembled decreed "that the home market belongs to the American farmer." And no wonder if there is deep gloom and disappointment in farm circles generally when many of the carefully studied recommendations prepared by the farm leaders are not granted.

What has been done regarding the vegetable and marine oils and fats schedules? Compare the recommendations of the farm

organizations with the pending bill. There you will find the manner in which the party's pledges have been answered. Did the Committee on Ways and Means give due consideration to the increasing volume of farm imports fully when they decided on the tariff schedules which relate to agriculture? These increasing imports certainly denote increasing competition. I have studied the agricultural schedules long and carefully to ascertain whether the new rates will give the home market to the farmers of our land but confess that my hopes are low. If there is room for more optimism than I have at the present time, I shall be glad to have some one point out that gladsome fact.

I have not time to give detailed data regarding the domestic acreage of crops that are displaced by the various products that are imported, but I will include the tables in the RECORD. As stated before I have the explanatory notes. The data are based on the average imports for the four years, 1925–1928.

Specified crops

ANNUAL AVERAGE OF DOMESTIC ACREAGE THAT WOULD HAVE BEEN REQUIRED TO PRODUCE SPECIFIED COMMODITIES IMPORTED AND SHIPPED INTO THE UNITED STATES FOR CONSUMPTION 1925–1928

	Domestic acreage equivalent
Cereals:	
Wheat	41,262
Corn	68,909
Oats	85,672
Rice	45,990
Rye	91
Barley	3,446
Buckwheat	7,622
Total cereals	252,921
Fruits:	
Apples	901
Apricots	188
Figs	81,300
Grapefruit	1,305
Lemons	6,626
Oranges	136
Raisins	2,356
Total fruits	92,812
Oil-bearing seeds (1925–1927):	
Castor beans	[1]
Flaxseed	2,670,327
Poppy seed	[2]
Sunflower seed	[3]
Soy beans	5,116
Cottonseed	141,503
Total oil-bearing seeds	2,816,946
Nuts:	
Almonds, sweet	185,798
Filberts	23,108
Peanuts [4]	69,796
Pecans	1,026
Walnuts	112,566
Total nuts	392,294
Raw cane sugar (in terms of acres of sugar beets):	
Under general tariff	13,235
From Cuba	2,512,147
From Hawaii	528,308
From Porto Rico	400,463
From Virgin Islands	5,585
From Philippine Islands	330,728
Total	3,790,466
Tobacco:	
Cigarette tobacco	56,975
Cigar wrapper tobacco	6,113
Cigar filler and binder tobacco	23,273
Cigar leaf from Philippine Islands [5]	1,734
Total	88,095
Vegetables:	
Asparagus	12
Beets	[6] 127
Cabbage	370
Carrots	183
Celery	117
Cucumbers	178
Eggplant	574
Lettuce	82
Onions	8,067
Peppers	[6] 1,404
String beans	278
Spinach	26
Tomatoes	49,561
Turnips	7,979
Potatoes	46,026
Potato flour	189
Squash	81
Total	115,254
Grand total	7,705,827

[1] 122,620,850 pounds imported in 1927. Not grown commercially in the United States.
[2] 5,888,576 pounds imported in 1927. Produced in small quantities in Oregon.
[3] 987,225 pounds imported in 1927.
[4] 3-year average, 1925–1927.
[5] 3-year average, 1926–1928.
[6] 2-year average, 1927–28.

SUMMARY OF CROPS

Commodity:	Domestic acreage equivalent
Cereals	252,921
Fruits	92,812
Hay	157,039
Oil-bearing seeds	2,816,946
Nuts	392,294
Sugar beets	3,790,466
Tobacco	88,095
Vegetables	115,254
Total	7,705,827

NOTE.—Imports reexported with benefit of drawback are, of course, not included in imports for consumption, and therefore are not included in these data.

The total acreage is 7,705,827 acres, which equals the crop area of the State of New York.

Seeds

IMPORTS OF VARIOUS MISCELLANEOUS COMMODITIES AND DOMESTIC ACREAGE THAT WOULD HAVE BEEN REQUIRED TO PRODUCE THE EQUIVALENT OF THESE IMPORTS

Commodity	Imports	Domestic acreage that would have been required to produce these imports
	Pounds	
Hops	504,872	375
Green peas	10,942,656	4,739
Dried peas	317,506	21,167
Green lima beans	1,684,823	501
Dried beans	92,329,680	147,964
Alfalfa seed	3,067,245	13,108
Clover seed	27,473,489	331,006
Millet seed	1,238,166	3,449
Garden beet seed	369,230	581
Cabbage seed	292,152	896
Carrot seed	48,668	109
Celery seed	821,048	1,826
Kale seed	60,960	160
Mangel-wurzel seed	308,909	333
Onion seed	273,631	750
Parsley seed	300,319	805
Parsnip seed	33,933	44
Pepper seed	3,395	5
Radish seed	665,472	2,927
Spinach seed	376,696	9 7
Turnip seed (English turnip)	1,505,342	5,266
Rutabaga seed (Swedish turnip)	288,977	600
Timothy seed	8,732	32
Vetch seed	3,972,086	6,620
Canada blue grass	889,997	4,450
Kentucky blue grass	14,520	69
Orchard grass	1,251,547	8,691
Rye grass	1,389,412	4,631
Meadow fescue	442,322	2,212
Total		564,016

The domestic acreage displaced by the importations of dairy products equals the total of 658,028 acres. This is nearly equal to the entire crop area in the State of New Jersey. The calculations in this estimate are based on requirements which include 3 acres of pasture land per cow and a yearly ration of 500 pounds of clover hay, 500 pounds of timothy hay, 1,200 pounds of shelled corn, one-fourth acre of silage corn, and an average yield of 523 gallons of fluid milk per cow. The acreages are calculated on this basis of weighted average yields of corn, clover hay, and timothy hay for the United States for three years, 1925–27. The different forms of dairy products have been converted to milk equivalent in each case.

Dairy products

IMPORTS OF MILK, CREAM, AND BUTTER, AND DOMESTIC ACREAGE OF PASTURE AND CROP LAND THAT WOULD HAVE BEEN REQUIRED TO PRODUCE THESE IMPORTS, 1925–1928 [1]

Commodity	Imports in terms of fluid milk	Domestic acreage of pasture and crop land that would have been required to produce the quantity of milk, cream, and butter imported					
		Pasture	Corn	Corn for silage	Clover hay	Timothy hay	Total
	Gallons	*Acres*	*Acres*	*Acres*	*Acres*	*Acres*	*Acres*
Milk	6,186,297	35,487	9,052	2,957	1,899	2,423	51,818
Cream	54,177,565	310,770	79,278	25,899	16,633	21,219	453,799
Cream powder	21,814	126	32	10	7	9	184
Evaporated milk in hermetically sealed containers	424,765	2,436	622	203	130	166	3,557

[1] Calculations based on requirements of 3 acres of pasture land per cow and a yearly ration of 500 pounds of clover hay, 500 pounds of timothy hay, 1,200 pounds of shelled corn, one-fourth acre of silage corn, and an average yield of 523 gallons of fluid milk per cow. Acreages are calculated on the basis of weighted average yields of corn, clover hay, and timothy hay for the United States for 3 years, 1925–1927.

Dairy products—Continued

Commodity	Imports in terms of fluid milk	Domestic acreage of pasture and crop land that would have been required to produce the quantity of milk, cream, and butter imported					
		Pasture	Corn	Corn for silage	Clover hay	Timothy hay	Total
Condensed milk in hermetically sealed containers	*Gallons* 260,847	*Acres* 1,496	*Acres* 382	*Acres* 124	*Acres* 80	*Acres* 102	*Acres* 2,184
Condensed and evaporated milk in other than hermetically sealed containers	350,405	2,010	513	168	108	137	2,936
Whole milk powder	2,265,888	12,996	3,315	1,083	695	887	18,976
Butter	14,872,748	85,311	21,763	7,109	4,566	5,825	124,574
Total	78,560,329	450,632	114,957	37,553	24,118	30,768	658,028

The total equivalent acreage for livestock products that are imported is estimated at 79,973,711 acres. After deducting 80 per cent of the acreage estimated for wool, as previously explained, the total is 19,204,191 acres. Live cattle constitute the greatest factor in the importations of livestock, aggregating the equivalent of 3,608,512 acres. Fresh and canned beef account for over 611,000 acres.

Summary of livestock products

ANNUAL AVERAGE OF DOMESTIC ACREAGE THAT WOULD HAVE BEEN REQUIRED TO PRODUCE SPECIFIED ANIMALS AND ANIMAL PRODUCTS IMPORTED INTO THE UNITED STATES, 1925–1928

Commodity	Domestic acreage equivalent		
	Range and pasture	Crop land	Total
	Acres	*Acres*	*Acres*
Live cattle	3,343,780	264,732	3,608,512
Fresh beef		386,014	386,014
Canned beef	239,746		239,746
Live sheep and lambs	57,000		57,000
Fresh lamb	41,866	3,187	45,053
Wool [1]	73,483,046	2,002,964	75,486,010
Live hogs	16,984	62,415	79,399
Fresh pork	10,718	39,389	50,107
Hams, bacon, shoulders, and other pork, prepared or preserved	2,620	9,630	12,250
Pickled, salted, and other cured pork	2,058	7,562	9,620
Total	77,197,818	2,775,893	79,973,711

[1] Mutton is excluded from this table, since to consider it in addition to wool would constitute a duplication.

The dressed-weight equivalent and the number of animals on which the calculations in the above table are based are given in the following table:

Livestock imports

IMPORTS OF VEAL, WOOL, SHEEP AND MUTTON, BEEF, AND LIVE, DRESSED, AND OTHERWISE PREPARED PORK AND EQUIVALENTS IN NUMBER OF LIVE ANIMALS, USED AS A BASIS FOR COMPUTING ANNUAL AVERAGE OF DOMESTIC ACREAGE FIGURES IN SUCCEEDING TABLES, 1925–1928

Commodity	Dressed weight	Number
	Pounds	
Veal	5,745,647	[1] 127,081
Wool	61,772,917	[2] 26,243,946
Sheep and lambs		39,900
Mutton	596,505	10,846
Fresh lamb	2,344,545	[3] 58,613
Live cattle, less than 1,050 pounds	156,031,369	320,018
Live cattle, more than 1,050 pounds	12,930,732	11,158
Fresh beef	25,825,458	43,042
Canned beef	29,959,250	[4] 104,206
Live hogs	20,380,725	101,903
Fresh dressed pork	9,646,176	64,308
Hams, bacon, shoulders, etc	2,358,669	15,722
Pickled, salted, and other cured pork	1,852,033	[5] 12,347

[1] Dressed weight converted to live-animal equivalent of 85 pounds each on the basis of 45 pounds of dressed veal to each 85 pounds of live weight. The number would be one-half if dressed weight were reckoned at 90 pounds per animal.
[2] Improved wools, only, expressed in fleeces.
[3] Total sheep and mutton, 109,359.
[4] Total beef, 478,424.
[5] Total pork, 194,280.

In arriving at the equivalent acreage for live-cattle imports, 167,189 is calculated as the average of 320,018 animals weighing less than 1,050 pounds, converted to 1,000-pound animal equivalents, and the average of 11,150 animals weighing 1,000 pounds or more which were imported, as reported by the Department of Commerce.

The wild hay acreage is based on an average of 20 acres of pasture and range land, mostly range land of low carrying capacity, for each 100-pound animal equivalent of all animals weighing less than 1,050 pounds for each animal weighing 1,050 pounds or more. Wild hay acreage is based on 1½ acres and 2½ acres for each class of animal. Corn acreage is based on one-fourth acre for each animal weighing 1,050 pounds or more.

Live cattle

IMPORTS OF LIVE CATTLE AND ACREAGE OF PASTURE AND CROP LAND THAT WOULD HAVE BEEN REQUIRED TO MAINTAIN THESE CATTLE IN THE UNITED STATES FOR ONE SEASON, 1925–1928

Imports of live cattle	number	167,189
Domestic acreage of pasture and crop land that would have been required to maintain these cattle in the United States for one season:		
Range and pasture	acres	3,343,780
Wild hay	do	261,942
Corn	do	2,790
Total	do	3,608,512

In arriving at the acreage equivalent for imports of fresh beef, chilled or frozen, the basis used was a 5-year weighted average feed requirement for 100 pounds gain, live weight, used in feeding trials, made in Nebraska and Illinois with cattle weighing 1,000 pounds or over. For the acreage displacement of veal imports, which is not tabulated because no satisfactory basis is afforded, a rough estimate of 84,923 acres is submitted. This total was not included in this list.

Fresh beef

IMPORTS OF FRESH BEEF, CHILLED OR FROZEN, AND DOMESTIC ACREAGE OF CULTIVATED CROPS THAT WOULD HAVE BEEN REQUIRED TO FURNISH FEED SUFFICIENT TO PRODUCE THIS BEEF IN THE UNITED STATES, 1925–1928

Imports of fresh beef, chilled or frozen	pounds	25,825,458
Domestic acreage of cultivated crops that would have been required to furnish feed sufficient to produce this beef in the United States:		
Corn	acres	288,889
Cotton	do	18,851
Clover hay	do	57,888
Timothy hay	do	13,542
Corn for silage	do	6,844
Total	do	386,014

In estimating the equivalent acreage required for imports of canned beef it is to be understood that this form of beef is manufactured largely from discarded dairy cattle.

Canned beef

IMPORTS OF CANNED BEEF AND DOMESTIC ACREAGE OF PASTURE LAND THAT WOULD HAVE BEEN REQUIRED TO GRAZE CATTLE IN SUFFICIENT NUMBERS FOR ONE SEASON TO PRODUCE AN AMOUNT OF BEEF EQUIVALENT TO THESE IMPORTS, 1925–1928

Imports of canned beef:		
Actual weight	pounds	29,959,250
In terms of live-weight equivalents	do	119,837,000
Domestic acreage of pasture land that would have been required to graze cattle in sufficient numbers for one season to produce an amount of beef equivalent to the quantity of canned beef imported	acres	239,746

The imports of lambs and sheep are comparatively limited. The equivalent acreage is 57,000 acres based on 20 acres of pasture and range land, mostly range land of low carrying capacity for each 14 animals for a season.

Sheep and lambs

IMPORTS OF SHEEP AND LAMBS AND DOMESTIC ACREAGE OF PASTURE LAND THAT WOULD HAVE BEEN REQUIRED IN THE UNITED STATES TO GRAZE THESE SHEEP AND LAMBS, 1925–1928

Imports of sheep and lambs	number	39,900
Domestic acreage of pasture land that would have been required in the United States to graze the sheep and lambs imported	acres	57,000

The acreage equivalent for the imports of fresh lamb is 45,053 acres. This is based upon data that will bear careful analysis. The detailed explanation is available for anyone who is interested in checking this estimate.

Fresh lamb

IMPORTS OF FRESH LAMB, IN TERMS OF NUMBER OF 80-POUND ANIMALS, AND DOMESTIC ACREAGE OF PASTURE AND CROP LAND THAT WOULD HAVE BEEN REQUIRED TO PRODUCE FOOD FOR A NUMBER OF LAMBS NECESSARY FOR THE PRODUCTION OF AN EQUIVALENT AMOUNT OF FRESH LAMB, 1925–1928

Imports of fresh lamb in terms of number of 80-pound animals	number	58,613
Domestic acreage that would have been required to produce food for the number of lambs necessary for the production of an equivalent amount of fresh lambs:		
Range and pasture	acres	41,866
Cultivated crops—		
Corn	do	1,805
Corn for silage	do	285
Alfalfa hay	do	1,097
Total	do	45,053

Reference has already been made to the acreage equivalent of our wool imports. As I stated before, only 20 per cent of the wool imports are included. The acreage equivalent for the total of wool imports has been worked out very carefully in the following table:

Wool

IMPORTS OF WOOL, IN TERMS OF DOMESTIC FLEECES, AND DOMESTIC ACREAGE OF PASTURE AND CROP LAND THAT WOULD HAVE BEEN REQUIRED TO PRODUCE FOOD FOR MAINTENANCE REQUIREMENTS FOR THE NUMBER OF SHEEP NECESSARY TO PRODUCE THE EQUIVALENT OF THIS AMOUNT OF WOOL, 1925–1928

Imports of wool in terms of domestic fleeces	number	26,243,946
Domestic acreage of pasture and crop land that would have been required to increase domestic production of wool by an amount equal in weight to the quantity of improved wools imported:		
Range and pasture	acres	73,483,046
Cultivated crops—		
Corn	do	797,799
Clover hay	do	1,205,165
Total	do	75,486,010

For mutton, including 596,505 pounds, the 4-year average of imports the equivalent acreage is 34,156 acres.

Mutton

IMPORTS OF MUTTON AND DOMESTIC ACREAGE OF PASTURE AND CROP LAND THAT WOULD HAVE BEEN REQUIRED TO PRODUCE FOOD NECCESSARY FOR THE PRODUCTION OF AN EQUIVALENT AMOUNT OF MUTTON, 1925–1928 [6]

Imports of mutton:		
Actual weight	pounds	596,505
Equivalents in terms of 110-pound animals	number	10,846
Domestic acreage of pasture and crop land that would have been required to produce food necessary for the production of an equivalent amount of mutton:		
Range and pasture	acres	30,988
Cultivated crops—		
Corn	do	1,902
Corn for silage	do	306
Alfalfa hay	do	960
Total	do	34,156

The imports of live hogs and dressed and prepared pork which have been calculated on the basis of 194,280 live animals with an average of 200 pounds, the equivalent acreage is 151,376 acres.

Live hogs and pork

IMPORTS OF LIVE HOGS AND DRESSED AND PREPARED PORK AND DOMESTIC ACREAGE OF PASTURE AND CROP LAND THAT WOULD HAVE BEEN REQUIRED TO PRODUCE THESE IMPORTS, 1925–1928

Classification	Imports of live hogs and dressed and prepared pork		Domestic acreage of pasture and crop land that would have been required to produce live hogs and dressed and prepared pork imported			
	Actual weight	Equivalents in terms of 200-pound live animals	Pasture	Cultivated crops		Total
				Corn	Oats	
Kinds of imports	*Pounds*	*Number*	*Acres*	*Acres*	*Acres*	*Acres*
Live hogs	20,380,725	101,903	16,984	23,656	38,759	79,399
Fresh dressed pork	9,646,176	64,308	10,718	14,929	24,460	50,107
Hams, bacon, shoulders, and other pork, prepared or preserved	2,358,669	15,722	2,620	3,650	5,980	12,250
Pickled, salted, and other cured pork	1,852,033	12,347	2,058	2,866	4,696	9,620
Total		194,280	32,380	45,101	73,895	151,376

Only imports of edible molasses were calculated in terms of equivalent domestic acreage of corn. The total acreage of corn for the molasses is 340,009. The total acreage calculated for corn is based on estimates that the equivalent of more than 140,000,000 bushels of corn each year be utilized in the manufacture of products that are now being made from foreign-grown products that are imported, some of them duty free.

[6] The acreages as calculated in this table are duplicated in the calculations for acreage equivalent of wool imported and are not to be considered additional.

Molasses

IMPORTS OF EDIBLE MOLASSES AND DOMESTIC ACREAGE OF CORN THAT WOULD HAVE BEEN REQUIRED TO PRODUCE THE EQUIVALENT OF THESE IMPORTS, 1924–1927

Imports, domestic acreage of corn that would have been required to produce the equivalent of edible molasses imported into the United States: [1]		
Gallons		[2] 1,854,592
Acres		[3] 340,009

It is evident to all that tens of thousands of our farmers could engage in the production of farm commodities now being imported in case the tariff afforded them fair protection. Our farmers can produce the cereals which are now being imported to the extent of replacing nearly 15,000,000 acres.

Our farmers are capable of producing the entire livestock supply now being imported. If our farmers were given this market, more than 5,000,000 acres of land would have to be utilized, excluding for the moment the equivalent acreage estimated for wool production. A large acreage can also profitably be devoted to wool production. Over 1,000,000 additional acres can profitably be planted annually to sugar beets if the ideal of America for Americans is followed.

The pending tariff bill should encourage the increased production of nonsurplus farm products. It can do so if the home market is safeguarded. The problem really resolves itself to the question as to whether Congress really wants to rehabilitate agriculture. If there is a firm determination to do this, a great deal can be accomplished through tariff regulations. The pending bill, in my opinion, must be changed in many instances if the results are not to prove disappointing.

In my testimony presented to the Ways and Means Committee when the hearings on the tariff bill were being held I cited certain principles pertaining to tariff protection for agriculture which seemed pertinent at that time and which, in my opinion, should receive careful consideration. I will place them in the RECORD for the consideration of the Members of the House.

PRINCIPLES PERTAINING TO PROTECTION FOR AGRICULTURE

First. The fundamental reason why increased duties are requested for these agricultural products is to preserve the American market for American products.

Second. The increases in duties are necessary in order to place agricultural products on a basis of parity with industry. An increase in the tariff rates on nonagricultural products will nullify benefits to the farmers in case the farmers' costs of production and living expenses are thereby materially increased. Consideration should be given to present duties, which greatly increase the farmers' costs, in order to reduce them or to eliminate them.

Third. The increases granted should be in accord with the purpose of supporting the vitally important policy of giving adequate protection to those branches of the agricultural industry which make for more extensive diversification.

Fourth. In granting increased protection to the livestock and dairy farmers the policy of conservation of soil fertility is supported.

Fifth. Increased duties on agricultural products are necessary in some schedules where the imports are small in proportion to the domestic production. These imports, even though limited, unduly disturb the price level to a far greater extent than their volume would justify.

Sixth. Increasing the duties on farm products which are now on a domestic basis will be of direct benefit to the producers, as this will tend to divert production from the so-called surplus crops and thereby effect an improvement in the foreign markets for the surplus which is now sold abroad. It has been well said that the much-discussed surplus does not come chiefly from American farms. We import our surplus.

[1] Corn equivalent calculated on the basis of 5½ pounds of corn sugar to 1 gallon of molasses and 30 pounds of corn sugar to 1 bushel of corn (5½ multiplied by 1,854,592 gives the number of pounds of corn sugar, which, when divided by 30, gives the number of bushels of corn, and when the number of bushels of corn is divided by the average yield of corn per acre in the United States, the result is the number of acres of corn that would have been required for the domestic production of edible molasses imported).

[2] Average of dutiable imports, including imports from Cuba, for four years, 1924–1927, inclusive, as reported by the Department of Commerce.

[3] Acreage based on a weighed average yield of 26.7 bushels of shelled corn per acre in the United States for four years, 1924–1927, inclusive.

NOTE.—Blackstrap molasses is imported into the United States in much greater quantities than edible molasses, but it can be produced from sugar beets that are used in the production of sugar. About 5½ gallons of blackstrap molasses are produced from 1 ton of sugar beets after the sugar for refining purposes has been extracted. On this basis the acreage of sugar beets calculated as the domestic equivalent of sugar shipments and imports into the United States is equivalent to a considerable quantity of the blackstrap molasses imported. Acreage equivalents of imports of blackstrap molasses are therefore purposely omitted.

Seventh. Agriculture is now more desperately faced with foreign importations than is industry. Capital furnished by United States financiers is invested in foreign lands where, with the cheap labor available, it is used to increase the annual production of competitive agricultural commodities which find their way into the United States.

Eighth. An agricultural tariff policy should be formulated which will encourage the domestic production of commodities to supply our needs instead of depending upon foreign countries for competitive imports.

Ninth. Such a policy should encourage, as far as possible, the replacing of imported farm products with native products, including usable substitutes. This would tend to draw increased quantities of raw materials from our American farmers.

Tenth. The American farmer can not compete with imported agricultural products created through cheap foreign labor and lower standards of living, nor can he compete in foreign markets for the sale of his products at world price levels arising out of foreign production standards and foreign buying power.

Eleventh. In agriculture, production can not be controlled. A wise governmental policy can, however, encourage changes in the trends of production. Such a policy should be put forth to give protection to those agricultural products which in the long run it would be to the interests of our country to produce enough of to meet domestic needs.

The task of assisting our farmers on their way to economic parity is beset with difficulties. I do not minimize them. I am certain, also, that all the Members of the House want to assist in every way in restoring agriculture to a better position. This is the great task that confronts this special session of Congress. It is our duty to enact legislation that will meet the needs of the farmers. The pending tariff bill is not yet in its final form. There is still time and opportunity to make this bill an effective instrument in reestablishing our greatest industry, agriculture, upon a sound and stable basis. We should approach the task with a determination to succeed in our endeavors. The entire country will approve such a course. To do less would be to break faith with our farmers. [Applause.]

Mr. DOUGHTON. Madam Chairman, I yield 30 minutes to the gentleman from Indiana, Mr. GREENWOOD.

The CHAIRMAN (Mrs. RUTH PRATT). The gentleman from Indiana is recognized for 30 minutes.

Mr. GREENWOOD. Madam Chairman and members of the committee, we have had the privilege this afternoon of hearing the spokesman of the administration on farm relief, the distinguished Representative from New Jersey, Mr. FORT, who is also the high priest of superprotection in this House.

While assuming an attitude of friendliness toward the farmer, we who have voted for every measure of farm relief in the last eight years can not forget that this distinguished Representative from New Jersey has most bitterly fought every farm relief bill which has been proposed and passed by this House, except the present bill, which is ineffective and colorless so far as the farmer is concerned. He comes forward with his shrewd apology in an endeavor to defend this monstrosity of a tariff bill that his colleagues on his side of the House from the agricultural States have picked to pieces. Only this afternoon the gentleman from North Dakota, Mr. BURTNESS, spent his time in showing the discriminations of the tariff bill between live cattle and the finished product, beef, and his colleagues sitting beside him who would like to have a tariff on manganese, know that such men as the distinguished gentleman from New Jersey, Mr. FORT, and the other speakers for superprotection, are writing this tariff bill against manganese and in favor of the steel industry of America. And the gentleman from Iowa, Mr. RAMSEYER, a member of the Committee on Ways and Means, took an hour's time in finding fault with this bill without pointing out a single virtue that is in it. I fear that if the truth were known, there are more "pseudo-Republicans" in the House than there are in the Senate. But you can rest assured that this bill as it is now written will not be passed by the Congress. It has to go through that other deliberative body, and there will be many weeks of sweating before the schedules will be finally settled upon.

I asked this allotment of time principally to register a protest against this proposed unfair discriminating tariff bill. The President called this special session of Congress to fulfill a campaign pledge to grant adequate relief for agriculture. The farmer constituency of the Central States and of the Nation believed Mr. Hoover would keep that promise. In the campaign he took them on a trip down to Jericho, which he said would be a city of refuge, but he knew that there were thieves by the way, and, sure enough, the farmer has fallen among thieves, and the priests of high protection and the Levites of special interest are passing him by on the other side. It is true that they have raised some of the schedules that will help the farmer in some particulars, but unless he has some advantage from the tariff law there will be no relief. They could not stop with the agricultural schedule, although this special session of Congress was called for the relief of agriculture, and in the other schedules relating to industry they had to raise the rates of tariff taxation so that whatever little benefit they may grant the farmer under the agricultural schedule would be taken away from him in the chemical schedule, in the metal schedule, and in many of the others which I shall discuss more at length in the time allotted to me.

Mr. WILLIAMS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GREENWOOD. Not at this time. If I have time at the end, I shall be glad to yield. The farmer has been facing bankruptcy for eight years. He has been promised relief. We have reached the parting of the ways, and he expects this Congress to keep the promise made to him for the last eight years or pay the penalty of duplicity. This tariff bill can not be calculated to bring that relief to the farmer. The Republican Party proposes to increase the burden of the prices that he has to pay on these commodities so necessary upon the farm that are covered by these high schedules of tariff taxation, and, while the farmer asks that his yoke might be made lighter, he receives the reply that was given by old King Rehoboam in the days of the kings of Israel: "Whereas we chastised you with whips, now we will chastise you with scorpions." This tariff bill, from the standpoint of the farmer, is the worst tariff bill that has ever been proposed in the history of this Nation. [Applause on Democratic side.] What has the farmer done to merit this treatment at the hands of the administration? Oh, he has produced a surplus—yes; a surplus that is needed to feed this Nation and clothe this Nation, and without which the Nation would be in distress and in hunger at times when there is a failure of crops or in time of need. We should have legislation that would conserve that surplus rather than criticize the farmer or penalize him for producing the surplus needed to feed the Nation. When this Congress passes a bill with an "equalization fee," in which the farmer undertakes to assume responsibility for marketing his surplus abroad and to bear that burden himself, the legislation is vetoed.

And when, as a substitute for that, the debenture plan is proposed to make the tariff partially effective to farm surpluses, then the friends of superprotection, like my friend from New Jersey [Mr. FORT], attack it on the ground that it is a subsidy. The truth is that the underlying philosophy of the debenture plan is the underlying philosophy of the protective tariff. It is using the taxing power of this Government to help some man or some group in the process of economic welfare for the benefit of his business. Compare, if you please, the prohibitive tariff and debenture plan. Under the debenture plan these Government certificates are to be issued in order to help the farmer export the surplus products of his farm and to relieve him of damaging competition in the domestic market. Both embargo tariffs and debentures deprive the Treasury of revenue. Neither is proposed to raise revenue, but are alike in principle, based upon the use of the taxing power of the Federal Government. The embargo rates of the present tariff permits the home market to be monopolized by these favored industries. The debenture plan also deprives the Treasury of revenue to save the domestic market to the home producer by helping the farmer export his surplus products. The only difference is this: An embargo is in restraint of trade, and the debenture plan promotes trade with foreign nations.

Mr. ANDRESEN. Mr. Chairman, will the gentleman yield there?

Mr. GREENWOOD. I would rather not. I will yield later.

The gentleman from New Jersey [Mr. FORT] talks about a subsidy. The protective tariff is a subsidy which has favored industry for years, and it has systematically robbed the farmer, the wage earner, and other consumers in order to provide a better price for the products of manufacturing industry. We have come to the parting of the ways. The tariff has to be reduced so as to equalize the rates that the farmer has to pay for the things he buys and the price he receives for what he produces. There must be legislation that will take into consideration the general welfare of all the people; legislation that considers human rights of the man who works on the land, as well as the rights of the man whose capital is invested in industry. We should look to legislation that favors the producer of the raw material as well as the man who uses the raw material and makes of it his finished product. This tariff takes care of the highly finished product, and in many instances leaves the

producer of raw material with either a small rate of duty or places it on the free list.

My friend from New Jersey also spoke about the fact that the free list used to be longer than it is now. This was in favor of the farmer. He was able to hold his own, because many articles that he had to buy were then on the free list and he could purchase them then on the basis of the price that he received for his own product.

I think that this bill is a manufacturers' bill rather than a farmers' bill. [Applause.] I think it has the same selfishness and the same greed is found in this proposed tariff as appears in similar tariff bills for years past. These extortions have been robbing the farmers systematically, robbing him not only of his income and his wealth, but robbing him also of his man power. It has driven his children away from the farm and sent them to the centers of industry.

This tariff is spoken of as being a tariff to protect labor. In the preamble of this bill this language is used:

> To encourage the industries of the United States, to protect American labor, and for other purposes.

I am willing to concede that there are some advantages that come to labor because of protective duties, but I am not willing to concede that these extortionate, these extreme, these unreasonable schedules written in this bill are necessary in order to protect American labor. There have been many tariff crimes committed in the name of American labor, and if we pass a tariff bill on the theory that special privilege is to be granted to some man in industry in order to pay labor a better wage, it is the duty of this Congress through a committee or some other instrumentality to follow the profits arising from that tariff and see that it is paid to American labor. If we are creating a tariff system in favor of labor in manufacturing industries, we should follow it and see that its beneficiaries carry it into effect. [Applause.]

What is the situation with reference to the textile industry, a highly protected industry? It is one showing the lowest scale of wages found in America, and people employed in textile mills are striking because of intolerable conditions, low wages, long hours, and poor housing conditions. Here is a protected industry that has enjoyed a tariff privilege for years, and yet it is paying a wage that ought to receive the criticism of every honest American as not maintaining any standard of American living or any fair treatment of American labor.

I have been astounded in my studies of wages paid to labor in this country to find that the highest wages are paid in the nonprotected industries and the lowest wages are paid many times in the highest protected industries. The workers are constantly receiving a decreasing portion of the value added in manufacturing to the products of industry. While capital comes to Congress with honeyed words asking increase of tariff duties in order, as they say, to pay higher wages and maintain the American standard of living, statistics show that having received the protection in high duties and reaped the profits thereby, they do not pay it out in wages, but take it unto themselves in salaries to higher officials and profits.

In a study of the percentage ratio of wages and workers' salaries to new values added by manufacture, 1899–1925, I insert the following table from page 58 of the American Labor Yearbook.

Year	Wages	Total salaries	Workers' salaries	Total workers' share
1899	41.6	7.9	3.9	45.5
1904	41.5	9.1	4.6	46.0
1909	40.2	11.0	5.6	45.8
1914	41.9	13.1	6.6	48.5
1919	42.2	11.6	5.8	48.0
1921	44.7	14.0	7.0	51.7
1923	42.6	11.7	5.8	48.4
1925	40.1	11.8	5.9	46.0

You will note that by the table wages had risen in 1919 to 42.2 per cent and in 1921 to 44.7 per cent of the value added by manufacture. These percentages were under the lower duties of the Underwood tariff and that since that period under the higher duties of Fordney-McCumber tariff the percentage of wages to total value added has decreased to 40.1 per cent of value added by manufacture and that this is the lowest percentage recorded for over 25 years, since 1899. What must be the just conclusion, either that high duties do not produce high wages, or that capital receiving the privilege of high tariff duties in the name of labor is not fulfilling their trust to labor by paying to them the money collected in their name. I have discovered there is a great deal of duplicity, hypocracy, and false representation used in obtaining high tariff duties. The consumers of America are paying this tariff tribute into the coffers of industry under the taxing clause of the Federal Constitution, supposing that they are thereby creating a fund out of which to pay labor a better living wage and yet Congress is not pursuing the distribution of these funds to see that the trust is performed and the pledge to so pay these funds is not violated. It has been an astounding surprise to me since becoming a Representative in making a comparative study of wages paid in various industries to discover that the highly protected industries pay the lower wages while the unprotected industries pay the higher wages. This convinces me that the tariff has but little to do with the payment of wages.

The American wage-earner's average share in the so-called prosperity is between $25 and $30 a week which includes salaried officials and those that are professionally trained. There are the high-wage group at the top who run trains, build skyscrapers, repair plumbing, printers and pressmen, and tailors who make suits and dresses. These command higher pay by virtue of their unions and collective bargaining and at the other extreme is the so-called millions of common labor some of whom receive wages yet as low as 15 cents per hour.

Among the low-wage groups we call your especial attention to the facts that many highly protected manufacturing industries make a showing of an annual wage of less than $1,000 to the worker. Among these are the workers in the lumber industry composing 561,541; textile and textile products other than clothing composing 548,538; the clothing industry composing 305,269; food canning and processing industry composing 201,718; tobacco industry with 132,132; chemical industry with 46,284; and with many smaller and scattering industries making novelties with 35,386. These groups make a grand total according to figures compiled in 1925 of 1,830,868 workers receiving less than $1,000 per annum on the average and most of them working in highly protected industries during the period of the Fordney-McCumber tariff containing the highest duties of any tariff law excepting only the present proposed monstrosity now under consideration which proposes also to raise duties, place a greater yoke on the neck of the consumers of America, and hypocritically proposes to levy this tribute in the name of "labor."

Yet that figure now exists under the highest protective tariff law that America has ever seen, and you will observe that the highest percentage they received was in 1921, under the Underwood tariff law. This study convinces me that tariff protection has very little to do with the question of the amount of wages employees receive who are working in the industry. American labor receives for its efforts what it is able to get by reason of the union and by collective bargaining, and because of the great genius in industry and ability to produce.

American labor is entitled to all the wages it has ever received, and it receives them because it is able to force recognition of its rights and not because of the extreme rates of duty which are placed upon products. I know that these tariff beneficiaries come to us with honeyed words and say, "We must have this protection in order to pay better wages and in order to maintain American standards," but after they receive such protection the wages are forgotten and the benefits received from such protection are paid out in salaries and in dividends.

The sugar industry is an example of this. As has been said by the gentleman from New Jersey [Mr. FORT], this perhaps is one of the sorest spots in this bill. Why should we lay an additional tribute on every consumer of sugar in America, when the statistics show that every sugar refinery, practically every one, that is well managed is making handsome profits and some of them enormous profits, at least, of such a high degree that they could pay a higher price to the growers of sugar beets.

Mr. LEATHERWOOD. Will the gentleman yield?

Mr. GREENWOOD. I would rather not yield now.

Mr. LEATHERWOOD. I wanted to ask the gentleman to tell me where I could find statistics showing they are making such enormous profits that they could pay a higher price to the growers of beets.

Mr. GREENWOOD. Every Congressman has had them presented to him and they are coming in every day. If the gentleman from Utah does not read the mail that comes to his office every day he is probably without the statistics I have in mind.

Mr. LEATHERWOOD. They all come from New York City and are sent in by men who have their money invested in Cuba.

Mr. GREENWOOD. I do not know where they come from and I do not take them from one source. But I know it is in the hearings and in the publicity that is going about that the sugar refiners themselves are not suffering, and I know

the growers of beets are complaining because they are not receiving enough for their beets.

Mr. HOGG. Will the gentleman yield?

Mr. GREENWOOD. Just for a short question.

Mr. HOGG. Does not the gentleman know that the only sugar-beet factory in his State is now in bankruptcy?

Mr. GREENWOOD. No; I do not know that; I do not know who is running it or managing it. I said that well-managed sugar refineries are making money, and I am willing to stand by that statement.

Mr. HOGG. Will the gentleman yield for a further question?

Mr. GREENWOOD. Yes.

Mr. HOGG. If this proposed tariff is as poor as the gentleman says it is, and if he and his party know as much about it as they claim to know, why have they not brought in a bill that would remedy the situation?

Mr. GREENWOOD. The gentleman knows that the control of the rules of this House is in the hands of the gentleman's own party, and when they bring in a rule for the consideration of this bill they will bring it in with as limited an opportunity for amendment as possible; and he, as one of the Representatives on this side of the House, having been palliated with a little tariff on onions—he grows some onions in his district—will answer the crack of the whip and jump through the hoop and vote for the bill, not because he likes it but because he has gotten a little something in it.

Mr. HOGG. Will the gentleman yield further?

Mr. GREENWOOD. No; the gentleman can make his speech in his own time. I do not care to yield further. I am not saying the bill is entirely vicious, but I am saying there has been as much objection coming from the Republican side of the House as from the Democratic side, which convinces me that most of the things I am saying about it are true.

However, when they are able to palliate a few of these chief objectors and give them a little something they want and they count noses and see they have a majority on their side then the rule will come; then they will jump through the hoop and they will put it through, because they dare not vote against the bill, a protective tariff bill, because they have been committed to protection of all kinds and all degrees and they think it would be a political tragedy if they failed to put it through. I am wondering if some will not support the bill fearing their patronage may be cut off if they show a spirit of rebellion. But perhaps sugar is the most galling imposition and most brazen proposal that is written into this bill. They ask me to vote an additional tribute of a quarter of a million dollars upon the farmers and wage earners of my district in order to increase the profits of a few people who are admitted to own the sugar-refining business of this country, on the theory that if they receive this advantage they will pay the producers of the raw materials—the growers of sugar beets—a little better price for their product.

If we increase this duty on sugar, what assurances have we that it will be reflected in the price of the raw material produced by the farmer who raises beets or cane? With every well-managed sugar refinery in the country making acceptable dividends and some excessive earnings they should pay employees a living wage. In this connection I want to insert an article published in the Hoosier Farmer dated May 1, 1929, entitled "Little Children Slave in Industrialized Farming." It is a severe indictment of the sugar-beet industry, as follows:

The Children's Bureau of the Department of Labor recently published the result of a remarkable survey of child labor in agriculture. Labor, published in Washington, D. C., summarized the report in a March issue, as follows:

The survey covered considerable sections of 14 States, including the employment of children in raising cotton, grain, tobacco, onions, fruit, and hops, sugar beets, and in truck farming.

Sugar beets, by common consent, appear to be the worst of all; which is of special interest, since this industry is created and maintained by tariff protection.

What may be called the "family-contract system" prevails in beet raising. A family, always with several child workers, will take the contract of making a beet crop on a given number of acres.

IN COLORADO BEET FIELDS

In Colorado, where much of the survey was carried on, these contract workers are mainly Mexicans or "Russian Dutch," this being the common term for the German colonists who went to Russia centuries ago but have been coming to the United States as fast as possible for many years past.

Even the smallest children in these families help in thinning the beets, while youngsters of 12 go through the list of operations—hoeing, pulling, cutting off the tops, etc. The survey says:

CONTRACT FOR ENTIRE FAMILY

"Often the thick beet tops, heavy with frost, which comes early in the mountain regions, soak the workers from the knees down. 'Fall is the meanest time,' declared a Colorado contract laborer. 'Women are wet up to their waists and have ice in their laps and on their underwear. Women and children have rheumatism.'"

But while sugar beets were the worst of all crops covered by the survey, truck farming, onion growing, and tobacco raising made heavy physical demands on the child workers. So did strawberry growing, on account of the stooping posture in which all the work must be done.

SCHOOL TERM IS CUT SHORT

Farm hours are long, almost never less than 10 hours for a day's work; and in all crops and all sections, the survey found that farm work interfered seriously with school attendance.

ALIEN CHILDREN SUFFER MOST

The housing conditions of these contract workers are always bad and often frightful. They are working at an industrialized agriculture, on farms which have been turned into factories, with little protection from the laws designed to safeguard factory workers in cities.

Beet-field workers describe their quarters as not fit for chickens to live in, as "nothing but a dog house." Overcrowding is extreme.

Mr. HARDY. Will the gentleman yield?

Mr. GREENWOOD. No; I do not care to yield further.

I do not intend to vote this additional tax upon the consumers of sugar in America and place a tribute upon every cup of coffee and every soft drink, with the canning season coming on in the agricultural districts, where the housewives are wondering where the money is to come from in order to procure sufficient of this great necessity in order to preserve the fruits and the vegetables which constitute a great item of food upon the farm. I am not willing to vote this excessive duty upon my farmer constituency when the Tariff Commission of the United States, after an unbiased investigation, said there was no justification for it. I think it is the most brazen proposal in this entire tariff bill. It will cost the consumers of America $125,000,000, and some say $300,000,000, additional.

I know that sugar is a great revenue producer. I know that it puts a great deal of money in the Treasury, but that is not my idea of taxation—to tax a great necessity like this that is needed as a food and is so essential in every home. Let us give the consumer the advantage of sugar at a reasonable price.

The chemical schedule is a fair example with an extreme tariff on household necessities. The rates on drugs and component parts of medicine go to the very life and health of every home. These increases in their evil effect are only equaled by the increase in the next schedule on surgical and dental instruments. To many people in poor or moderate circumstances surgical, dental, and medical services are already prohibitive. The Republican Party proposes to relieve them by making their tax burden heavier on these dire and vital necessities. It is a heartless disregard of the most basic principle of government to thus take advantage of the poor, the sick, and the helpless. In this same schedule appear the rates on oils and paints, which are kept at the same high level as under the Fordney-McCumber bill. One way to have relieved the farmer would have been to reduce these extreme rates. The prices of paints have been prohibitive to the farmers, and their buildings are going unpainted because of the fancy prices maintained heretofore on oils and paints.

Likewise in the metals schedule steel, iron, and aluminum products are yielding their makers unparalleled dividends and the farmers and other consumers are paying the price. The President took care of pig iron by a 50 per cent raise under the flexibility clause and they were relieved of having to ask for an increase. They are beautifully satisfied with the present embargo rate. The Government is deprived of the revenue upon imports to any great extent and the great steel combinations bask in the special privilege of having had a President that took care of their interests at the same time that he vetoed the farm-relief measures enacted by Congress.

It was my hope on behalf of a depressed constituency on the farms, who are a part of the great consuming class, to see a downward revision of the tariff. This bill, however, continues the profiteers' prices on many farm commodities like structural iron and steel, all woven wires, iron pipe and fittings, chains, rivets, horseshoes, knives, saws, and practically every tool in the workshop or in the kitchen, and whatever escaped specific mention is captured in the dragnet of the basket clause.

While agricultural implements are listed as coming free, there is much sham in this pretension. The truth is that there are few, if any, foreign-made implements to be found on the farms in America. I have never yet discovered one foreign-made implement in my district. However the farmer pays dearly for the tariff on the metal component parts of all implements. I

have noted this significant fact, that implements are much higher in price under a high tariff than they are under a low tariff. I am inserting a table showing the comparative prices of the same implements under the Underwood tariff in 1914 and showing the increases under the present Fordney-McCumber bill, which carries a rate similar to the pending bill.

Implements	1914	1928
Hand-corn sheller	$8.00	$17.50
Walking cultivator	18.00	38.00
Riding cultivator	25.00	62.00
1-row lister	36.00	89.50
Sulky plow	40.00	75.00
3-section harrow	18.00	41.00
Corn planter	50.00	83.50
Mowing machine	45.00	95.00
Self-dump hayrake	28.00	55.00
Wagon box	16.00	36.00
Farm wagon	85.00	150.00
Grain drill	85.00	165.00
2-row stalk cutter	45.00	110.00
Grain binder	150.00	225.00
2-row corn disks	38.00	95.00
Walking plow, 14-inch	14.00	28.00
Harness, per set	46.00	75.00

There can be no relief to farmers for implements under the pending bill.

It is a source of regret that most of the material so sorely needed by the farmers for improving and repairing their houses and buildings are still maintained on the dutiable list. This is a tax on the comfort, appearance, and efficiency of their homesteads. As we travel over the countryside we deplore the unpainted and unrepaired appearances of farm homes. But with farm products low in price, and with paint, glass, lumber, nails, wire, brick, cement, hardware, all so sorely needed and bearing a prohibitive price, how can the farmer be expected to purchase what he needs? This tariff bill is not a farmers' bill. It is another instrument of extortion. The farmer will resent the hypocrisy and duplicity of the party in power, and, I firmly believe, will rebuke them at the polls.

The changes made in the proposed bill show more interest of the party in power in the manufacturer than in the farmer. Finished commodities receive the same or increased duties, while raw material is still admitted free. As a help to the dairy farmer, duty on casein should have been increased, and much milk that is now wasted and unmarketed could furnish the full needed supply. However, the paper manufacturer that uses the most of the casein for glazing wanted to buy in an open and competitive market. Hence the cow raisers of Argentina got the advantage in the rate. This was another slap in the face to the American farmer. Likewise, the growers of long-staple cotton asked a duty, but the manufacturers of cotton thread and other products wanted to buy the cheaper produced long-staple cotton of Egypt and India. It was left on the free list in favor of the manufacturer, rather than favor the cotton farmer. A study of the whole bill shows it to be an upward revision favorable to the industrial groups that have figured so mischievously in arranging the schedules in the former law.

FREE LIST

The manufacturers wanting free raw material have also engineered the free list against the farmer. As one farmer put it, we have been "skinned again as to our hides." The manufacturers of leather goods had their way, and the farmers furnish a free raw material for the makers of better-priced harness, saddles, suit cases, sporting goods, gloves, brief cases, pocketbooks, and all leather goods except boots and shoes. Many cloth shoes with leather soles are protected. There is little competition on shoes except special types. The shoe combine owns the patents and inventions that make machine production possible, and unless they have changed their policy they lease these machines and name the conditions of their operation. Why did not the Ways and Means Committee go into this possibility of monopoly? Let us not be alarmed about an increase in the price of shoes. They now have the price as high as the buying public will stand.

Again, notice that cotton goods are highly protected while long cotton is free. This is an especial disadvantage to the long staple which could be produced here and would thereby reduce the acreage on the shorter types.

Will you again observe the influence of the manufacturer in getting brooms protected while broomcorn is on the free list? Yet they say this is a farmer's bill.

Vegetable and nut oils are admitted free in competition with those grown domestically and as a competitor of dairy products and animal fats grown by our farmers. Yet this bill was brought out for farm relief. A duty here would have been a great help to the farmers, but the soap manufacturers did not want it. The soap makers won.

Here is the discrimination and hypocrisy of these schedules, arranged as they are for giving protection for the finished manufactured product and keeping raw material free. It is truly a tariff bill amended by its friends. The old combination of buccaneers, commercial and political, are operating as in the past. The farmers and the wage earners are the victims. Indeed what a sorry fulfillment of a pledge made in campaign times to corral the farmer vote.

Everyone knows that with the farmer producing surplus of cotton, wheat, and other products that have to be exported that the schedules fixed upon his products can help him but little. If a tariff will help the price of wheat, in the name of high Heaven why leave the rate at 42 cents per bushel? Why not raise it now? With May wheat quoted at $1.05 per bushel, the lowest it has been for years, it is good time to swing your protective theory into action. Come now, boost the farmer's price by a little more tariff.

There are capitalists in America who believe in free trade. While the farmer pays a duty on cedar shingles, lumber, and fence posts the railroads, telephone companies, and other public utilities were given cedar piling, crossties, and telephone poles on the free list. They are free traders when it means "rubles" in their pockets.

Some have ridiculed the fruit farmers for asking a duty on bananas, yet if labor costs are considered then a small duty would allow the American fruit grower a chance to pay wages according to American standards and still meet the competition of fruit grown by the pauper peon labor of Central and South America. Here again the great fruit corporations who grow and transport fruit, especially bananas, won the day and the American farmer lost. Bananas remain on the free list.

The Republican platform of 1908 recited a new version of the protective principle and which they broadcast as the "true principle" or the long-established doctrine. However, it was not new but just another step in the evolution of the party toward the favoritism of monopoly. It read as follows:

> In all protective legislation the "true principle" of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries.

The platform of the same party in 1904 contained a similar statement but did not propose to guarantee a profit to the manufacturer. In fact, however, the tenor of Republican tariff laws were such previously to 1904 to indicate that the party was more interested in industrial dividends than they were in raising revenue or producing a general and wholesome prosperity for the whole people. Since the open declaration of 1908, proposing to guarantee a reasonable profit to American industry, the anchorage of decency has been lifted, the sky is the limit, and they have been sailing around in the upper air of inflated dividends. Stocks and bonds of industrial concerns have likewise been soaring high, while the consumers of America, composed mostly of the farmers and small wage earners, have been down in the lower stratas fighting the storms of hard times and bankruptcy. The Republican Party has prostituted itself to the privilege seeker and the profiteer.

Now, just two matters with reference to the administrative features of the bill. There is, first, the so-called flexible clause which delegates to the President of the United States the power to raise or lower rates, and my friend, the gentleman from New Jersey [Mr. FORT], from his argument evidently wanted to go farther and give the President the power to take an item off the free list and put it on the protected list. This is delegating the legislative powers of Congress with respect to the taxing power of the Federal Government.

I am in favor of keeping the three departments separate and inviolate. I think it is better for the rights of the people for Congress to act in matters of legislation rather than delegating that power to the President. [Applause.] We have seen that with a President inclined to superprotection that he knows how to raise a rate, but he does not know how to lower one. I am in favor of lowering duties instead of putting them on stilts all around the farmer. I would like to see the duties on commodities that have excessive profits brought down to a level so that there will be less inequality with the farmer. [Applause.]

In this bill there is another delegation of power to the Secretary of the Treasury to fix valuation. There are two vital factors in all taxation; one is fixing the valuation, and the other the rate, so this bill proposes to delegate practically all the power that there is in tariff taxation. I am not in favor of going that far. I am not willing to rob the judiciary of its power to decide

judicial questions, and I do not believe in depriving the Congress of the power to legislate on legislative questions.

All they need to have a permanent system of superprotection is in this bill. It delegates to the Executive the power of the Congress of the United States to fix duties and the valuation of imports. Furthermore, this could be changed by Congress only when a two-thirds majority overrides the veto of the President, which is never likely to happen on a tariff question. [Applause.] I am not willing to give my support to such a diabolical scheme. I shall not vote to destroy our balanced system of constitutional government.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. TREADWAY. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Chairman, I have listened to the debate on this bill with a great deal of interest in view of the declarations of the Democrats in the campaign last fall. I looked forward to the debate with interest, because I wondered just what attitude our Democratic friends would take in reference to a tariff bill.

When their candidate for President last fall selected a Republican to manage the campaign he had just one purpose in view, and that was to give assurance to the industrial sections of the country that there would be nothing done with reference to the tariff that would injure the manufacturing interests of the country. I think every Democrat knows that is true.

When the Democrats at Houston put a protective tariff plank in their platform they had but one purpose, and that was to secure for their candidate the votes of the industrial districts of the country, the manufacturing sections of the country. A great many unsuspecting and credulous people actually thought that our Democratic friends had been converted to the doctrine of protection. But those managing the Houston convention knew that they could not elect their candidate unless they carried the industrial States of New York, New Jersey, Pennsylvania, and others, and for the purpose of carrying those States they put the protective tariff plank in their platform.

I expected when we brought up this bill to see our Democratic friends lined up with us urging and helping us to pass a tariff bill. But I have not heard a man on that side of the House say he was going to vote for the bill. If anyone does vote for the bill it will be some Member from Louisiana and I have not heard any of them say that they would. Every Democrat who has spoken on the bill has found some fault with it.

Mr. BANKHEAD. How many Republicans have found fault with it? [Laughter.]

Mr. DENISON. We concede the right to criticize the bill and try to perfect it, but our friends on the Democratic side of the House not only criticize the bill but intend to vote against it. We Republicans may criticize some of its provisions but we will vote for it.

Mr. WILLIAMS of Illinois. The criticism on this side is that the rates are not high enough.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. DENISON. I yield.

Mr. COCHRAN of Missouri. Does not the gentleman feel that the Democrats are behind the President, supporting the President's request for only a limited tariff revision?

Mr. DENISON. No; I do not think they stand behind the President or that they ever stood behind any President, not even their own.

Most of those who have talked on this bill have emphasized their friendship for the farmer. Our friends on the Democratic side, all of them I think who have spoken, with one or two exceptions, have said that they are in favor of a protective tariff for the farmer, but they stop right there. I shall have to make an exception in favor of my friend from Georgia, Mr. CRISP. He very frankly said that he believed in the policy of protection, and when he says he does I know he does. Of course he finds fault with the bill on other grounds, as, for instance, the administrative features, and he may be justified in finding fault with them. At any rate, he stated that he favored the policy of protection, but everybody here apparently on both sides has been converted to the doctrine of protection so far as the farmer is concerned. Our Democratic friends are apparently very solicitous for the farmer.

I want to take just a moment to tell you what I think is necessary to help rehabilitate agriculture. I think there are three important things that are necessary. One of them is a higher protective tariff duty on what the farmer produces. It is not necessary to go into an argument on that, because nearly every other speaker on this bill has discussed that question. There were imported into the United States during the fiscal year ended June 30, 1928, and sold in the American market, according to figures given me by the Department of Agriculture yesterday, competitive agricultural products to the value of $1,202,106,000 in one year.

Mr. ARNOLD. Would the gentleman mind telling us the nature of those products that he says are competitive?

Mr. DENISON. By that is meant those agricultural products which can be produced in this country.

Mr. ARNOLD. Name them. It does not apply to wheat, corn, oats, barley, and so forth?

Mr. DENISON. Certainly, it includes all agricultural products that can be produced in this country.

Mr. ARNOLD. Can the gentleman give us the figures on the different items?

Mr. DENISON. Oh, no; I can not give them in detail. I am simply giving the total. If the gentleman is interested in the different items, he can get them from the Department of Agriculture. I am not in a position to go into those details now, and certainly not in 15 minutes. The department gave me this information yesterday. It may not mean anything to my friend from Illinois, but it is significant to me. I repeat, there were imported into this country from foreign countries during the fiscal year ending June 30, 1928, and sold in the American market, agricultural products which we can produce in this country to the amount of $1,202,106,000. There were imported into this country agricultural products which can not be produced in this country during the same time to the amount of $1,206,064,000. Included in the former item was, I should say, bananas, amounting to $35,591,000. Striking out bananas, which, of course, can not be raised in this country, there is still left the staggering amount of $1,166,515,000 of agricultural products produced by the farmers in other countries, brought into the market here and sold, that could have been produced by American farmers. It seems to me that we ought to all agree that if we can by proper tariff laws prevent such importations of farm products and let that money be diverted into the pockets of the American farmers, instead of the farmers of other countries, we will have done something substantial for American farmers.

That is the first thing needed to help rehabilitate agriculture in this country. There are two other things, and one of them is to do what we can do, from a legislative standpoint, to encourage the organization of the farmers for cooperative marketing. I can remember the time, and I suppose most of you can, when there was no organization of labor in this country; the wage earners, when they sought employment, did not tell the prospective employers what they asked for their labor, but they asked him what they would pay for it. After labor became organized, the laborers themselves have fixed the price of their labor rather than the employer. At least, that is so in a large part of the country. Organization has done more to improve the conditions of the laboring man in this country than anything else, and has enabled the workers to have something to say about the price of what they have for sale. Whenever the time comes that the farmers can so organize in their marketing system as to have something to say about what they shall get for their products, instead of letting the other fellow say what they shall receive, then agriculture will have come into a better condition. We have recently passed a bill through the House which I think will go as far as we can by legislation to encourage and assist the farmers in organization and in cooperative marketing, and if they do what they can to help themselves under that law they will get into a position sooner or later where they will have something to say about what they receive for their product.

The third thing, and by no means the least important, is to do something to reduce the cost of transportation on agricultural products. I pause here long enough to say that this question of transportation on agricultural products is sooner or later going to be the most important question in my judgment before the American people. The Supreme Court has just rendered a very important decision. I do not know how far-reaching it is going to be, because I have not had an opportunity yet to read the decision. The decision is with reference to the valuation of railroads. To say the least, it will not have a tendency to reduce the cost of transportation by railroad in this country. One of the things that is now causing the unfortunate depression in agriculture is the high cost of transportation. Wherever there is water transportation there is a depression in the cost of transportation that comes into competition with the water transportation. Water transportation is the cheapest known form of transportation. Around the Great Lakes, along the Atlantic seaboard and the Gulf coast there are lower railroad rates due to water competition, but in the center of the country there is a pyramiding of freight rates. How are we ever going to reduce the cost of transportation in the interior of the country, which is the great agricultural district, so as to put the agricultural section of the coun-

try on a fair competitive basis with the seaboard and Great Lakes sections? Industries have located on or moved to the Great Lakes or the seaboard in order to have the benefits of cheaper transportation. The agricultural sections therefore have to suffer the higher rail rates not only to reach the sea for export but to reach the consuming markets in our own country.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. LOZIER. I agree with you that the farmers might be interested in cheap transportation for the shipment of farm products, but does not the gentleman know that at the present time if the farmer had free transportation for his major products, they would still sell in the markets below the cost of production?

Mr. DENISON. No. I do not know that, and the gentleman from Missouri does not know it. I never heard anybody say that before. I say that, notwithstanding the respect I have for the gentleman from Missouri.

Mr. LOZIER. Will the gentleman permit another question?

Mr. DENISON. Yes.

Mr. LOZIER. Add the cost of transporting wheat from the Dakotas to the great wheat market; add that to the price that the farmer gets for his wheat; and you will find he still gets a price which is below the cost of production, and that is true of every basic agricultural commodity.

Mr. DENISON. Then the gentleman does not approve of our trying to do something to get cheaper transportation?

Mr. LOZIER. Oh, yes; I do.

Mr. DENISON. In my judgment Congress should do something to give cheaper transportation to the great agricultural section of this country. The great agricultural section of this country is located in the interior. That is not so with respect to any other agricultural country in the world. Take Argentina, for example. Wheat is raised in Argentina near the seaboard. In this country it is principally raised in the very interior of the country. That is the reason why the farmers can not get their wheat to market except at almost prohibitive transportation costs.

The cheapest transportation in the world is water transportation, and the Government must do something to provide cheaper transportation for agricultural products. The railroads will not give it to them. I can not see any prospect of ever getting lower freight rates from the railroads.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. RANKIN. Under the present system do we not permit the railroads to reduce their rates where they have water transportation, and is not that against the development of water transportation?

Mr. DENISON. Yes.

Mr. RANKIN. What is the remedy for that?

Mr. DENISON. The remedy is for the Government to improve our inland waterways and make them navigable and continue the experiment now being tried on the Warrior River and the Mississippi River so as to fully demonstrate the practicability and the economy of modern water transportation; and when we get cheap transportation restored to the inland waterways of the country we are going to give the farmers real substantial relief. Cheapen transportation from the farms to the market, and you add that much to the farmer's profits.

Mr. RANKIN. If you take away from the railroads the power to discriminate where they connect with water transportation, will not that be corrected? And is it not a fact that by giving that right of discrimination in favor of having water transportation points you discriminate against those points that do not have water transportation?

Mr. DENISON. We have to recognize, of course, the right of the railroads to meet competition. Of course, they have to live, and we must concede to them the right to meet competition; but they maintain high rates where there is no water competition. The thing to do to level them down is to develop our inland waterways, restore cheaper transportation on them, and that will enable the products of the farms in the interior of the country to go to market at substantially cheaper rates.

Mr. RANKIN. If you were to repeal that power that they now have to discriminate, would not that encourage water transportation to come back and help the people in the interior points that now have to pay this added freight?

Mr. DENISON. Yes. We are now progressing rapidly in this policy of developing our inland waterways and encouraging transportation thereon, but in that work we have to fight the railroads at every step. I think it is a very unwise policy on the part of the railroads, and, in my judgment, they will soon regret it; but in the end we are going to restore transportation on our inland waterway system and we are going to have eventually in this country the cheapest known form of transportation available for the movement of the products of our farms to the markets of the world. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. TREADWAY. Mr. Chairman, I yield 15 minutes to the gentleman from Kansas [Mr. SPROUL].

The CHAIRMAN. The gentleman from Kansas is recognized for 15 minutes.

Mr. SPROUL of Kansas. Mr. Chairman and members of the committee, I desire to discuss for a little while the importance of an import duty on crude petroleum. But before entering upon a discussion of the oil business as it affects the people of the United States, I wish to say that I am a sincere believer in the governmental policy of the protective tariff for industries, including both capital and labor of the United States.

In order that the protective-tariff system may provide the industries and markets of the United States for our own citizens it is necessary to have immigration restriction laws which will operate to make the protective-tariff policy effective.

The immigration laws should be used to limit the number of employees, Americans first, and secondly, to immigrants, to meet the requirements for labor. If we have too many employees, then the protective-tariff system will not properly function. There must be just enough laborers for the work to be done, not too many. This can be regulated through our immigration laws.

I believe that our import duties should be higher than what may be necessary to merely represent the difference between the productive cost of the imported goods on the one hand and the productive cost of our United States products on the other hand. A mere competitive tariff, such as would represent the difference between the cost of producing the imported goods and the cost of producing our American-made goods, would be ineffective to produce the most beneficial results to our American industry and labor.

It is necessary that the American labor and American industry have an advantage over foreign capital and labor. To have this advantage of the American markets for American capital and American labor our tariff duties have to be high enough to give the American industry the advantage of the importer in order for our industries to be able to supply the United States market against the importer of foreign goods. Such a protective tariff employs the highest percentage of American labor and at the highest wage and gives encouragement to American capital.

It is necessary, Mr. Chairman, that we have a large per capita circulating medium in order to provide a high standard of living, and in order that our people may live the most easily; in order that money may be most easily obtained with which to pay taxes of every kind and debt obligations. However, I am opposed to a protective tariff above the actual necessities to protect our industries and labor from foreign competition.

When our money is expended for American produced goods and for American labor, and it does not go away to foreign countries, never to return, then our circulating medium is built up to a high per capita. This high per capita circulating medium not only is built up, but it is maintained by the tariff, but also by restricted immigration laws which prevent there being too many employees for each job, and which keeps our American money at home and actually actively circulating. This state of affairs both brings and maintains general prosperity among our people.

Whenever the United States can easily produce nearly all of the articles needed, I sincerely believe that such articles should be produced in our country, and when they are produced and purchased with our own money such money remains a part of our circulating medium and helps to maintain its stability and high per capita quantity. On the other hand, if it is expended for foreign-made goods, our circulating medium will decrease and the cost of living increase. There are two kinds of importers as to residence—the one who lives abroad and is generally an alien; and the other who resides in our own country and operates a great business here, and who imports raw material and manufactured goods, bringing them into the United States free of any import duty, and placing them into competition with high-priced American labor and American-manufactured goods. But, Mr. Chairman, the most objectionable of the two importers is a citizen of the United States who enjoys all of its privileges, immunities, and liberties, and then does violence to our industrial system.

WHO ARE INDEPENDENT OIL PRODUCERS?

There are two distinct classes of oil producers in the United States. Of the independent producers I first wish to speak. They are men or companies who go out, pioneer, prospect, and drill with expensive machinery to discover and produce crude petroleum. During the drilling for the crude oil, many dry and

nonproductive wells at great expense are drilled. Many small oil wells are drilled, while of course at rare intervals pools of large producing wells are discovered. This pioneer drilling and operating has been going on for more than 60 years, until now there are approximately 350,000 oil wells in the United States. After the wells are drilled all of the smaller ones to be operated have to be placed on the pumps. In the meantime large quantities of casing, tubing, and pipe lines, which cost much money, have to be provided. Buildings, pumps, and engines have to be supplied and men have to be employed, of course, to do all the drilling and operating of the wells. These independent oil producers, together with the owners of the land on which the wells are drilled, and who own a royalty interest in the wells, constitute the independent oil producers. They number in the United States about 50,000 and their property has a value of approximately one and a quarter billions of dollars.

In addition to the number of operators, there are many thousands of oil-field workers, many of whom are specially trained for the oil-field work and, of course, receive very good wages and are necessarily associated with the business. It costs, on an average, $1 per barrel to produce oil from a very large per cent of the smaller oil wells in our country. There are more than 250,000 oil wells which are producing less than one barrel each per day.

These 250,000 oil wells are producing between eighty and ninety millions of barrels of oil annually, for which the independent producers are being paid upon an average little more than $1 per barrel, which is less than actual cost of operation. For some months the price of crude petroleum in the great oil-producing States, including the high-gravity oil which is produced from the very deep wells, would not average much above $1.25 per barrel, and the oil from the 250,000 wells, I repeat, would not exceed in price $1 per barrel. As a result of the low price for the crude production, thousands of the small wells have been and are being pulled and abandoned and great financial losses being sustained by the independent producers. The production from those wells has been lost to the consuming public. It has been a great waste and extravagance.

WHY THE DEPRESSED CONDITION IN THE INDEPENDENT OIL BUSINESS?

During the past year continental United States has produced 900,364,000 barrels of oil. More than two-thirds of this great quantity of crude has been produced from a few thousand large wells. The United States trade has consumed approximately 857,440,000 barrels of crude petroleum. More than 40 per cent of that quantity of crude has been refined into gasoline and other light oils. The greater per cent, however, has gone into gas oil and fuel oil; gas oil being a grade heavier than kerosene and largely used in domestic furnaces, while the fuel oil has been principally used in industrial furnaces, displacing coal.

	Barrels
Domestic production of crude petroleum, 1928	900, 364, 000
Domestic demand, 1928	812, 764, 000
Excess production over domestic demand, 1928	87, 600, 000
Imports of crude petroleum, 1928	79, 583, 000
Total excess crude over domestic demand, 1928	167, 183, 000

As a result of this excess supply of crude petroleum, thousands of smaller oil properties are being operated at a loss, and thousands of employees are idle and thousands of the smaller oil wells are being pulled and abandoned and tremendous damage is being done by the extremely low price paid for crude petroleum. Ten per cent of the American consumption of crude petroleum was imported from foreign countries by the master oil companies, to the great detriment of the individual oil producers and the oil business generally.

IMPORTED CHEAP CRUDE PETROLEUM PUTS COAL MINES OUT OF BUSINESS

The 79,583,000 barrels of imported crude petroleum produced more than 40,000,000 barrels of fuel oil. This fuel oil took the place of coal in the furnaces of industries along the Gulf and Atlantic coasts. Four barrels of fuel oil produces the same quantity of heat as 1 ton of coal. The 40,000,000 barrels of fuel oil was therefore equal to 10,000,000 tons of coal. One coal miner upon an average probably could mine 3 tons of coal per day. The average number of days per year that miners are employed in mining is 200. One miner in 200 days could produce 600 tons of coal. It would require, therefore, 16,606 miners one year to produce 10,000,000 tons of coal, which was displaced by the 40,000,000 barrels of cheap fuel oil imported in 1928 from Mexico and South American countries. Upon an average it would require twice as many men one year to transport and deliver the 10,000,000 tons of coal to its ultimate place of consumption. Thus we see the importation in 1928 of 40,000,000 barrels of fuel oil, displacing and putting out of employment 50,000 American workmen for the period of 200 days, or one coal miner's year. This, of course, is only a portion of the very harmful result of the importation and the placing upon the fuel market without import duty so much cheap fuel. The doing so violates all the principles of the Republican protective-tariff policy.

HOW MANY AND WHAT OR WHO ARE THE OTHER OIL PRODUCERS IN THE UNITED STATES?

Mr. Chairman, there are nowadays five or six great controlling master oil corporations, several of them being affiliated with each other in ownership. There is:

First. The Standard Oil group, as it may be termed.
Second. The Sinclair Consolidated Oil Co.
Third. The Gulf Oil Corporation.
Fourth. The Great Royal Dutch Shell Corporation.
Fifth. The Texas Co.
Sixth. Edward L. Doheny, probably, and his oil companies should be considered sixth in this major group.

The major oil companies are complete units which, functioning through their many subsidiaries and affiliated companies, have great crude producing departments, but they also have purchasing agencies or departments, pipe line and transport departments, refining departments and marketing departments. For illustration we list a few of the so-called standard group with a number of their subsidiaries. These complete units have five profit yielding agencies or departments, namely, first, the production department; second, the purchasing department; third, pipe line and transport department; fourth, the refining department; and, fifth, the marketing department. These master oil companies involve and use privileges obtained from the Government. The Congress exercises jurisdiction over their activities and they use the power of eminent domain in laying and operating their pipe lines so that in a sense they are public utilities.

For information we here submit a few of the affiliated and subsidiary companies of the five or six major oil companies which control the price of crude production and of refined products in the United States.

"SO-CALLED PARENT COMPANY"

(5) Standard Oil Co. (New Jersey).

SUBSIDIARY, AFFILIATED, OR ASSOCIATED COMPANIES

(5a) American Petroleum Co. Societe Anonyme Belge.
(5b) American Petroleum Co. (Holland).
(5c) Attapulgus Clay Co.
(5d) Bedford Petroleum Co.
(5e) Carter Oil Co. (The).
(5f) Carter Oil Co. of Delaware.
(5g) Clarksburg Light & Heat Co.
(5h) Compagnie Standard Franco Amercaine.
(5i) Compania Petrola Rayon, S. A.
(5j) Companie Transcontinental de Petroleo S. A.
(5k) Det Danske Petroleums Aktiesalskab.
(5l) Deutsch Amerikanische Petroleum Gesselschaft.
(5m) Domestic Coke Corporation.
(5n) East Ohio Gas Co. (The).
(5o) East Ohio Producing & Refining Co. (The).
(5p) Gilbert & Barker Manufacturing Co.
(5q) Hope Construction & Refining Co.
(5r) Hope Natural Gas Co.
(5s) Humble Oil & Refining Co.
(5t) Imperial Oil Limited.
(5u) International Co. of Veduz.
(5v) Interstate Cooperage Co. (The).
(5w) La Columbia Societa Marittima per Transporto di Petrolioe Derivati.
(5x) L. Economique Societe Anonyme de Distribution de Petrole et Essence.
(5y) Marion Oil Co.
(5z) Oklahoma Pipe Line Co.
(5aa) Pennsylvania Lubricating Co.
(5bb) Peoples Natural Gas Co. (The).
(5cc) Petroleum Import Compagnie.
(5dd) River Gas Co. (The).
(5ee) Romano Americana.
(5ff) Societa Italo Americana pel Petrolio.
(5gg) Stanco Distributors, Ins.
(5hh) Standard Development Co.
(5ii) Standard Oil Co. of Brazil.
(5jj) Standard Oil Co. of Louisiana.
(5kk) Standard Oil & Refining Co. (Ltd.).
(5ll) Standard Petroleum Co.
(5mm) Tague Oil Co. (Ltd.).
(5nn) Tuscarora Oil Co. (Ltd.).
(5oo) Underhay Oil Co.
(5pp) United States Petroleum Co., S. A.
(5qq) West India Oil Co.
(5rr) West India Oil Refining Co.

REFINERIES

The Standard Oil Co. of New Jersey owns directly refineries at Bayonne and Bayway, the Eagle Works, all in New Jersey, and refineries at Baltimore, Md.; Parkersburg, W. Va.; and Charleston, S. C. Through subsidiaries it controls 9 refineries, 2 located in the United States and 7 in foreign countries, viz, Sarnia, Montreal, and Regina, Canada; Vancouver, British Columbia; Halifax, Nova Scotia; and Talara, Peru.

OPERATING PROPERTIES

Throughout oil fields of United States. Subsidiaries: The Carter Oil Co. and the Humble Oil Co. are the largest domestic producers.

FOREIGN PROPERTIES

Producing properties in Canada and Bolivia.

PIPE LINES

Through subsidiary and affiliated companies which operated as of December 31, 1927, a total of 3,149 miles of trunk pipe lines, the company had delivered at terminals in 1927, 112,000,000 barrels of oil, an increase of 15,000,000 barrels over the amount transported in 1926.

VESSELS

Ninety-six tankers aggregating in excess of 1,000,000 dead-weight tons owned by subsidiaries of the Standard Oil Co. of New Jersey at the close of 1927.

OFFICERS

George H. Jones, chairman of board; W. C. Teagle, president; S. B. Hunt and J. A. Moffett, vice presidents; S. B. Hunt, treasurer; C. T. White, secretary; R. P. Resor, assistant treasurer; M. F. Frey, assistant treasurer; C. B. Millard, assistant treasurer; M. H. Eames, assistant secretary; W. F. Quick, assistant secretary; L. E. Freeman, comptroller; S. B. Hunt; Walter Jennings; W. C. Teagle; J. A. Moffett; George H. Jones; Charles G. Black; Edgar M. Clark; E. J. Sadler; D. R. Weller; W. S. Farish; J. A. Morvinckel; Christy Payne; H. Riedmann; J. H. Senior; G. Harrison Smith; C. O. Swayne; and F. H. Bedford, jr.

This was the parent company of the Standard Oil group dissolved by the Supreme Court on May 15, 1911. It is the largest marketing company of oil in the world, and has a complete system for production, refining, and transportation of oil.

PARENT COMPANY

(6) Standard Oil Co. of New York.

SUBSIDIARY, AFFILIATED, OR ASSOCIATED COMPANIES

(6a) Standard Transportation Co. (Del.).
(6b) Standard Transportation Co. (Ltd.).
(6c) Tank Storage & Carriage Co. (Ltd.).
(6d) Saddle River Co.
(6e) Socony Proprietary (Ltd.).
(6f) Magnolia Petroleum Co.
(6g) General Petroleum Corporation of California.
(6h) Standard Oil Co. of South Africa (Ltd.).
(6i) Standard Oil Co. of Yugoslavia.

REFINERIES

Company owns and operates refineries in New York and Providence, R. I., with water-front facilities for ocean transportation, and at Buffalo, N. Y., with lake and canal transportation. Company (6f) has refineries in Texas at Beaumont and Magpetco, with water-front facilities for ocean transportation, and at Corsicana, Fort Worth, and Liling in the interior; (6g) has a refinery at Los Angeles, also one at Lebec, Calif.

OPERATING PROPERTIES

Company (6f) and company (6g) owned and leased properties located in Texas, Oklahoma, New Mexico, Kansas, Arkansas, Louisiana, California, Wyoming, Colorado, Alaska, and Mexico.

PIPE-LINE SYSTEMS

Company operates 2,928 miles of trunk-line system and a gathering system of 1,448 miles.

VESSELS

Through Standard Transportation Co. and Standard Transportation Co. (Ltd.), of Hong Kong, owns and operates 38 tankers, with a total carrying capacity of 2,739,517 barrels. In addition to these ocean-going tankers, company directly and through a subsidiary owns and operates in its domestic trade 73 bulk barges, 16 motor bulk barges, 5 acid barges, 2 bulk launches, 2 general-cargo steamers, 119 deck barges, and 25 tugs. In connection with foreign marketing, also operates 5 river steamers, 96 lighters and barges, 68 tugs and launches, and 134 junks, etc.

OFFICERS

H. L. Pratt, chairman of board; Charles F. Meyer, president; H. E. Cole, vice president; C. M. Higgins, vice president; P. M. Speer, vice president; F. S. Fales, vice president, New York; E. R. Brown, vice president, Dallas, Tex.; Lionel T. Barneson, vice president, San Francisco; H. A. Wilkinson, secretary; R. P. Tinsley, treasurer; A. T. Roberts, assistant treasurer; W. T. Higgs, assistant treasurer; A. T. Doremus, assistant secretary; and B. D. Southerland, secretary, New York.

DIRECTORS

Herbert L. Pratt, Charles F. Meyer, Howard E. Cole, Charles M. Higgins, E. R. Brown, John Barneson, Frederick S. Fales, Howard Wilkinson, Peter M. Speer, William B. Walker, Theodore Pratt, Benjamin H. Stephens, Arthur F. Corwin, and Henry Fisher.

PARENT COMPANY

(1) Atlantic Refining Co. (Pennsylvania) (before May 15, 1911, in Standard Oil group).

SUBSIDIARY, AFFILIATED, OR ASSOCIATED COMPANIES

(1a) Atlantic Oil Shipping Co.
(1b) Atlantic Oil Producing Co.
(1c) Atlantic Refining & Asphalt Co.
(1d) Atlantic Refining Co. of Brazil.
(1e) Atlantic Refining Co. of Africa.
(1f) Atlantic Refining Co. of Italy.
(1g) Venezuela Atlantic Refining Co.
(1h) Colombian Atlantic Refining Co.
(1i) Andes Petroleum Co. (Venezuela properties).
(1j) Gulf Coast Oil Corporation.
(1k) Puanuco-Boston Oil Co.
(1l) Superior Oil Corporation.
(1m) Atlantic Lobos Oil Co.

REFINERIES

Company (1), parent, owns and operates refineries at Philadelphia, Pa., Franklin, Pa., Pittsburgh, Pa., and Brunswick, Ga.

OPERATING PROPERTIES

Company (1b) operates producing properties and has leases in Texas, Oklahoma, Kansas, and Kentucky.

FOREIGN PROPERTIES

Company (1m) has oil leases on over 100,000 acres in Mexico. Owns 20 miles of pipe line to Port Lobos. Has refinery at Guayabalillo. Produced 548,274 barrels of oil in 1924 and purchased 159,977 barrels.

VESSELS

Tank steamships.

OFFICERS AND DIRECTORS OF PARENT COMPANY

J. W. Van Dyke, president; W. M. Irish, vice president and general manager; W. P. Cutler, R. D. Leonard, and W. D. Anderson, vice presidents; W. M. O'Connor, secretary; Albert Hill, treasurer; J. W. Van Dyke, director; W. M. Irish, director; R. D. Leonard, director; E. J. Henry, director; W. P. Cutler, director; J. W. Liberton, director; W. D. Anderson, director; Albert Hill, director; and G. E. Glines, director.

(Source of data, Moody's Industrials, 1926.)

This company was a member of the Standard Oil group until this consolidation was ordered dissolved as being in violation of the Sherman Antitrust Act, May 15, 1911. It is the largest manufacturer of lubricating oils in the world and is also a large producer of crude oil through its subsidiaries.

The parent company owns directly large refineries, but through its producing subsidiaries in Mexico and the United States, it is in a position to keep down domestic prices of oil by the importation of Mexican and South American oil. Its Mexican supply alone is at least 600,000 barrels per annum.

PARENT COMPANY

(4) Standard Oil Co. of Indiana.

SUBSIDIARY, AFFILIATED, OR ASSOCIATED COMPANIES

(4a) Dixie Oil Co.
(4b) Midwest Refining Co.
(4c) Western States Oil & Land Co.
(4d) Pan-American Petroleum & Transport Co.
(4e) Pan-American Petroleum Corporation.
(4f) Hausteca Petroleum Co.
(4g) Temiahud Petroleum Co.
(4h) Tuxpam Petroleum Co.
(4i) Caloric Petroleum Co.
(4j) American Oil Co.
(4k) Mexican Petroleum Co. of California.
(4l) Mexican Petroleum Co. of Louisiana.
(4m) Boston Harbor Oil Co.
(4n) Lago Oil & Transport Corporation.
(4o) British Mexican Petroleum Co.
(4p) Sinclair Crude Oil Purchasing Corporation (50 per cent interest).
(4q) Sinclair Pipe Line Co. (50 per cent interest).
(4r) Crusader Oil Co.
(4s) Crusader Pipe Line Co.

REFINERIES

Whiting, Ind.; Sugar Creek, Mo.; Wood River, Ill.; Casper and Greybull, Wyo.; Florence, Colo.; Destrehan, La.; and Tampico, Mexico.

OPERATING PROPERTIES

Wyoming, Oklahoma, Louisiana, Arkansas, Kansas, Texas, and Mexico.

FOREIGN PROPERTIES

Mexico, Venezuela, and Brazil.

PIPE LINES

Has extensive mileage of.

VESSELS

Thirty-one vessels of 272,500 dead-weight tons.

DIRECTORS

R. W. Stewart, E. G. Seubert, B. Parks, Allan Jackson, R. H. McElroy, E. J. Bullock, Amos Ball, R. E. Humphreys, L. L. Stephens, and C. J. Barkdull.

This consolidation of oil companies constitutes a complete unit producing, refining, transporting, and selling oil and its products. Has large foreign production, which it places on the United States market.

PARENT COMPANY

(7) Sinclair Consolidated Oil Corporation.

SUBSIDIARY, AFFILIATED, OR ASSOCIATED COMPANIES

(7a) Sinclair Oil & Gas Co.
(7b) Sinclair Oil Co. of Louisiana.
(7c) Sinclair Wyoming Oil Co.
(7d) Mexican Sinclair Petroleum Corporation.
(7e) Sinclair Navigation Co.
(7f) Sinclair Refining Co. of Maine.
(7g) Sinclair Refining Co. of Louisiana.
(7h) Sinclair Cuba Oil Co.
(7i) Sinclair Texas Pipe Line Co.
(7j) Sinclair Building Co.
(7k) Sinclair Crude Oil Purchasing Corporation (50 per cent interest with Standard Oil of Indiana).
(71) Sinclair Pipe Line Co. (50 per cent interest with Standard Oil of Indiana).
(7m) Mammoth Oil Co. (25 per cent interest).

REFINERIES

Owns nine oil refineries, located at East Chicago, Ind.; Kansas City and Coffeyville, Kans.; Muskogee and Cushing, Okla.; Houston, Tex.; Wellsville, N. Y.; New Orleans, La.; and Marcus Hook, Pa.

OPERATING PROPERTIES

Located in Kansas, Oklahoma, Texas, Wyoming, and Louisiana.

FOREIGN PROPERTIES

Owns substantial interest in the Compagnie Industrielle des Petroles, one of the important distributing companies in France. Owns Mexican producing properties. Interested in oil development of Portuguese West Africa, Costa Rica, and Panama.

PIPE LINES

Owns extensive mileage of pipe lines.

VESSELS

Operates 111,077 dead-weight tons of marine equipment, exclusive of tugs, barges, etc., of which 17,329 tons are under charter and 93,748 tons owned.

OFFICERS AND DIRECTORS OF PARENT COMPANY

Officers: H. F. Sinclair, chairman of the board; Earl W. Sinclair, president; C. E. Crawley, vice president; D. L. Hooker, vice president; J. R. Simpson, vice president; G. T. Stanford, vice president; A. E. Watts, vice president; J. Fletcher Farrell, vice president and treasurer; P. W. Thirtle, comptroller; A. Steinmetz, secretary; K. Porter, assistant treasurer; M. L. Gosney, assistant treasurer; W. Wilkinson, assistant treasurer; and O. M. Gerstung, assistant secretary.

Directors: E. H. Clark; R. L. Clarkson; J. F. Ferrell; S. L. Fuller; W. P. Philips; D. L. Hoober; H. F. Sinclair; A. E. Watts; H. P. Whitney; E. R. Tinker; C. E. Crawley; E. V. R. Thayer; J. R. Simpson; E. W. Sinclair; P. W. Thirtle; W. H. Isom; J. W. Carnes; E. W. Isom; George H. Taber, jr.; Elisha Walker, New York; J. M. Cudahy, Chicago, Ill.; Sheldon Clark, Chicago, Ill.; and J. H. Markham, jr., Tulsa, Okla.

This consolidation with its producing properties, its pipe lines, tank cars and refineries is in a position to be an important factor in setting pipe-line prices. It has considerable foreign production and has the vessels to transport same to the United States market.

NOTE.—Sinclair Consolidated Oil Corporation and Standard Oil Co. of Indiana each own one-half interest in the following companies: Sinclair Crude Oil Purchasing Corporation and Sinclair Pipe Line Co.

PARENT COMPANY

(2) Gulf Oil Corporation of Pennsylvania.

SUBSIDIARY, AFFILIATED, OR ASSOCIATED COMPANIES

(2a) Eastern Gulf Oil Co.
(2b) Gulf Pipe Line Co. (Texas).
(2c) Gulf Pipe Line Co. of Oklahoma.
(2d) Gulf Production Co.
(2e) Gulf Refining Co.
(2f) Gypsy Oil Co.
(2g) Gulf Refining Co. of Louisiana.
(2h) Mexican Gulf Oil Co.
(2i) South American Gulf Oil Co.
(2j) Venezuela Gulf Oil Co.
(2k) Bahama Gulf Oil Co.
(2l) Panama Gulf Oil Co.
(2m) Gulf Commissary Co.
(2n) Gulf Cooperage Co.
(2o) Gulf Oil Burner Co.
(2p) Indiana Oil & Gas Co.
(2q) Gulf Casualty Co.
(2r) The Pacific Eastern Production Co.
(2s) American International Fuel & Petroleum Co.

REFINERIES

At Port Arthur, Tex., Fort Worth, Tex., Bayonne, N. J., and Philadelphia, Pa.

OPERATING PROPERTIES

This consolidation operates over 5,300 oil wells in Oklahoma, Kansas, Kentucky, Texas, Arkansas, Louisiana, Mexico, and Venezuela.

PIPE LINES

Practically all of the company's leases are served by its own pipeline system extending from the fields in Kansas, Oklahoma, Texas, Arkansas, and Louisiana to its principal refineries. Pipe lines exceed 3,600 miles.

VESSELS

Company owns 3 ocean-going motor ships, 31 steamers, 7 ocean-going barges, 4 ocean-going tugs. Also miscellaneous fleet of harbor vessels, etc.

OFFICERS AND DIRECTORS OF PARENT COMPANY

W. L. Mellon, president; George S. Davison, vice president; J. E. Nelson, treasurer; W. J. Guthrie, secretary; H. A. Gidney, comptroller; R. B. Mellon, director; W. L. Mellon, director; George S. Davison, director; H. L. Stone, jr., director; F. A. Leavy, director; George H. Taber, director; and G. R. Nutty, director.

(Source of data: Poor's Industrials, 1928.)

This company is a large producer and is in a position to be a controlling factor in setting the price of oil at the pipe lines. It has considerable production from Mexico and Venezuela which it can bring into the United States market. It owns its own pipe lines and vessels as well as refineries.

PARENT COMPANY

(3) Royal Dutch Co. (Konenklikke, Nederlandsche, Maatschappij).

Incorporated under the laws of Netherlands, June 16, 1809. Associated with Shell Transport & Trading Co. (Ltd.), of London and the Rothschild interests of Paris.

SUBSIDIARY, AFFILIATED, OR ASSOCIATED COMPANIES

(3a) Two French subsidiaries.
(3b) Eight Russian subsidiaries.
(3c) One Egyptian subsidiary.
(3d) Two Rumanian subsidiaries.
(3e) One German subsidiary.
(3f) One Yugoslavian subsidiary.
(3g) One Dutch East Indian subsidiary.
(3h) One Dutch West Indian subsidiary.
(3i) Mexican Eagle Oil Co. (Ltd.) (Mexico).
(3j) Cia Mexicana Holandesa La Corona, S. A. (Mexico).
(3k) Cia Mexicana de Petroleo La Corona (Mexico).
(3l) La Corona Petroleum Mij. (Mexico).
(3m) Tampico Panuco Petroleum Maatschappij (Mexico).
(3n) Venezuelan Oil Consessions (Ltd.) (Venezuela).
(3o) V. O. C. Holding Co. (Ltd.) (Venezuela).
(3p) Caribbean Petroleum Co. (Ltd.) (Venezuela).
(3q) Colon Development Co. (Ltd.) (Venezuela).
(3r) Companie Petrolera Peruano-Holandesa (Peru).
(3s) United British Oilfields of Trinidad (Ltd.) (Trinidad).
(3t) Shell Union Oil Corporation (United States).
(3u) Shell Co. of California (United States).
(3v) Roxana Petroleum Corporation (United States).
(3w) Ozark Pipe Line Corporation (United States).
(3x) Matador Petroleum Co. (United States).
(3y) New Orleans Refinery Co. (United States).

REFINERIES

Located in California, Texas, Louisiana, and Kansas.

OPERATING PROPERTIES

Principally in California and mid-continent fields.

PIPE LINES

In California and mid-continent fields.

VESSELS

Over 1,500,000 dead-weight tons.

DIRECTORS

Managing directors: Sir W. A. Deterding (general managing director), J. E. de Kok, Dr. J. Th. Erb, and J. B. Aug. Kessler.

Board of commissaries (supervisory directors): Dr. A. Capadose, chairman; G. C. B. Dunlop, secretary; Dr. J. W. Ijzerman, Dr. C. J. K. van Aalst, Dr. J. Luden, Jhr., H. Loudon, Jhr., Dr. B. C. de Jonge, and Dr. Aug. Philips.

This combination of companies, under foreign control, is extensively interested in production within the United States. It has local refineries and pipe lines. It is the largest foreign-owned oil combination with large production outside the United States. It is in a position to import oil into the United States from its properties by means of its large fleet of vessels.

PARENT COMPANY

(8) The Texas Co. (controlled by the Texas Corporation).

SUBSIDIARY, AFFILIATED, OR ASSOCIATED COMPANIES

(8a) Texas Production Co.
(8b) The Texas Pipe Line Co.
(8c) Kirby Petroleum Co.
(8d) Panhandle Refining Co.
(8e) The Texas Pipe Line Co. of Oklahoma.
(8f) Marshall Gas Co.
(8g) The Texas Steamship Co.
(8h) The Texas Co. of Mexico.
(8i) The Texas Co. of South Africa and other companies for distribution of oil in foreign countries. Also has a contract with Freeport Texas Co.

REFINERIES

Refineries in the United States are located at Port Arthur, Port Neches, and West Dallas, Tex.; West Tulsa, Okla.; Lockport, Ill.; Pryse, Ky.; Craig, Wyo.; and Casper, Wyo. Asphalt plants at Norfolk, Va.; Marcus Hook, Pa.; Providence, R. I.

PRODUCING PROPERTIES

Producing properties are located in Texas, Oklahoma, Arkansas, Louisiana, Kentucky, Kansas, Colorado, Wyoming, and New Mexico. Daily production is upward of 70,000 barrels. Gross production in the United States for 1927, 26,000,000 barrels. Owns 561,000 acres in the United States in fee and 2,166,000 acres under lease.

PIPE LINES

Very extensive pipe-line system.

VESSELS

Its fleet—including units owned by the Texas Steamship Co.—comprises 19 ocean-going tankers.

OFFICERS

R. C. Holmes, president; T. J. Donoghue, vice president; G. L. Noble, vice president; W. W. Bruce, vice president; D. J. Moran, vice president; C. B. Ames, vice president; T. Rieber, vice president; C. E. Woodbridge, treasurer; E. M. Crone, secretary; H. T. Klein, general counsel; Ira McFarland, comptroller; Guy Carroll, assistant secretary and assistant treasurer; W. G. McConkey, assistant secretary; J. A. Merlis, assistant secretary; J. B. Duke, assistant secretary; J. S. Ballard, assistant secretary; R. Hekeler, assistant secretary; A. M. Donoghue, assistant treasurer; G. W. Foster, assistant treasurer; T. A. Spencer, assistant treasurer; D. B. Tobey, assistant treasurer; H. G. Symms, assistant treasurer; and L. H. Linderman, assistant treasurer.

PRODUCING DEPARTMENT

These five or six great oil companies with their almost unlimited capital have departments engaged in and drilling for oil in the big producing fields. Their producing department is one of their profit-earning departments. They own thousands of acres of leases in the big producing fields of the United States, Mexico, and Central American countries.

PURCHASING AGENCIES

They have purchasing agencies which purchase the crude petroleum and again sell it to their refineries. These purchasing subsidiaries or agencies compose a profit-earning department.

GATHERING AND PIPE-LINE DEPARTMENT

They also have pipe-line departments or agencies which receive the crude petroleum at the producing properties and transport it to the refineries. These pipe-line departments or subsidiaries are also profit-earning departments.

REFINERIES

Each of these oil companies has numerous large refineries, to which, through their pipe-line and transport agencies, crude petroleum is transported for refining. These great refineries are great profit-yielding departments of the aforesaid mammoth oil companies owned and operated through their various subsidiaries.

MARKETING DEPARTMENT

Each of the big oil companies has a refined and by-product marketing department which receives and transports the gasoline, kerosene, gas oil, and fuel oil from their refineries and transports them to the ultimate consumer. These marketing subsidiaries and agencies also are great profit-earning agencies.

WHERE ARE REFINERIES AND PIPE LINES LOCATED?

Their big refineries are located in the prominent producing oil fields of the 18 or 20 oil-producing States. Each of these companies has big refineries upon the Gulf and Atlantic coast, as well as within the oil-producing States. They are located near New York City, Bayonne, N. J., Philadelphia, Boston, Baltimore, Charleston, New Orleans, Port Arthur, Galveston, Sabine, and at other points. There has been built from the big oil fields in the United States great trunk pipe lines to the coastal refineries, including, of course, big interior located refineries. Through these pipe lines oil may be transported from the interior oil fields to the coast refineries.

The five or six big companies referred to are the leading producers of crude petroleum within, and importations from Mexico, Colombia, Venezuela, and other foreign countries.

TRANSPORTS

In addition to owning many thousand miles of trunk pipe line extending from oil fields to refineries, the big oil companies own multiplied hundreds of ocean-going oil transports and tank boats for the transporting of their cheaply produced crude petroleum from foreign countries to their United States coastal refineries and markets. Their imported crude petroleum, free of duty, may not only be supplied to the markets along the coast, displacing and destroying the market of United States produced petroleum and coal, but it may be even transported throungh trunk pipe lines back into the interior-located refineries, where it would displace the crude petroleum produced in the various States of the Union.

Mexico, Venezuela, and other foreign countries are strong competitors of the United States in the production of crude petroleum. Mexico produces for import into this country twenty or more million barrels of crude annually and Venezuela and Colombia produce 50,000,000 barrels of crude annually for import to the United States. The total production from foreign countries imported into the United States for 1928 being approximately 80,000,000 barrels.

THE FIVE OR SIX MASTER OIL COMPANIES CAN CONTROL PRICE OF CRUDE AND REFINED PRODUCTS

These great master oil companies working together as they do can and do fix and control the price of crude petroleum and also fix and control the price of the refined products as well. They have the power to and do raise the price of both crude and refined petroleum even when the supply is far in excess of the demand. They may advance the price of one and lower the price of the other at the same time.

I am placing in the RECORD an article dated May 9, taken from a New York paper, concerning the big oil production in the Republic of Venezuela to show not only the quantity of production of crude petroleum in Venezuela but by whom it is owned and controlled. It is as follows:

It is reported in Wall Street that leasing oil producers in Venezuela have reached a "gentlemen's agreement" to curtail production to that of the 1928 level. The oil trade would greet such a development as highly important, for Venezuela has become the second largest oil-producing country in the world, exceeded only by the United States.

Leading producers in Venezuela are the Royal Dutch, Gulf Oil, and Standards of Indiana and New Jersey, largely operating through subsidiaries. Oil officials declined to make any official comment on the report.

Notwithstanding an excess of crude petroleum over United States demand in 1928 of 167,000,000 barrels, which includes importations and excess domestic consumption, the great oil companies a few days ago advanced the price of gasoline in the 18 different oil-producing States 1 cent per gallon, but shortly thereafter they also advanced the price of crude petroleum, notwithstanding the fact of an excess supply of crude, and notwithstanding the fact that within 10 days prior thereto they had made unsuccessful efforts with independent oil producers to agree upon a plan for curtailing and holding back crude production. Thus showing that supply and demand may have nothing to do with price fixing of crude petroleum and its refined products.

I desire to insert in my remarks a newspaper notice of the advance in price of gasoline and a predicted advance in the price of crude petroleum in a paper published in the midwestern oil fields. It recites in what number of States the advance has been made in the gasoline price, and contains guesses as to which of the subsidiary heads of the companies referred to will first announce the increase in the price of crude.

ADVANCE IN PRICE OF CRUDE OIL NOW EXPECTED BY MANY

With the advance of 1 cent per gallon in the price of gasoline in 18 different States, effective to-day, it is confidently expected that there will be a raise in the price of crude oils. Some expect the advance in crude price to be announced to-day, along with the effective date for

the advance in the price of gasoline, while others expect it Monday the 20th. And not only is the date a matter of question but some are speculating on what company will be the first to advance prices, whether it will be the Prairie, Sinclair, or the Carter. But the generally expressed view is watch for the "price boost," as it is surely on the way.

This little notice illustrates how these big companies have one of their subsidiaries change the price one time and another at another time and so on. This notice shows that the prices are arbitrarily fixed by the heads of the different companies. But just who, when, and how the prices are determined upon is not given out to the public. Information concerning the ownership and management of these great companies is difficult to obtain. The fact that the managing heads of several of these big companies are the directors of the Guaranty Trust Co. of New York, an institution organized to handle and invest large amounts of accumulated capital, is a very significant fact. Here we find an officer in an alien corporation, the Royal Dutch Shell Oil Corporation, associating with the big American companies and we find, too, that when the price of gasoline is advanced, the Dutch Shell also advances the price, and when the price of crude varies with the American companies, it also varies with the Dutch Shell. So that when we find the Dutch Shell and the Standard and the Sinclair and the Gulf all represented on the board of directors of the Guaranty Trust Co., we have quite satisfactory proof as to where and by whom a uniform price for crude production and the uniform price for refined products is fixed. For the information of those who may be interested I submit some very significant business relationships in the Guaranty Trust Co.

GUARANTY TRUST CO. DIRECTORS

H. P. Whitney, director in Sinclair Consolidated Oil Corporation.

R. B. Mellon, director in Gulf Oil Corporation of Pennsylvania.

E. J. Berwind, director in Atlantic, Gulf & West Indies Steamship Lines; controls Atlantic Gulf Oil Corporation.

Charles H. Sabine, director in Shell-Union Oil Co.

WHY DO WE NOT PUT THE DUTY ON CRUDE?

Why does not Congress place a duty upon the cheaply produced imported crude when the importations in 1928 amounted to as much as one-tenth of the total amount of crude petroleum consumed in the United States? Do the big oil companies have representatives in the Congress who are large owners of stock? Are the oil company heads represented by relatives in the Congress? Are Members of Congress retained annually to watch and protect the interest of the big oil companies? Do Members of Congress have their campaign expense borne by these big oil companies? Do they obligate the Members of Congress through liberal campaign donations to the respective great political parties? Do they employ as lobbyists men thoroughly familiar with the lawmaking and the law-preventing game? Are Members of the Congress afraid of the wrath of these big oil companies during campaign times if their will and wishes are not respected in regard to legislation? Mr. Chairman, is it a fact and the truth, regrettably as it may be, that we have in the United States to-day an industrial oligarchy composed of gigantic organizations of capital? If so, what is to become of us?

CAN RAISE MILLIONS OF MONEY FOR ADVERTISING, LOBBYING, AND OTHER PURPOSES

These great companies spend millions of money in advertising at liberal rates. They can and do control the policies of the press. Little thought need be given to the source of the money with which to do all this extravagant advertising. The press throughout the country receives weekly or daily advertising, requiring large amount of space. This advertising is accompanied by a check in a liberal amount which subordinates the policy of the paper to meet the desires of the oil companies. This policy amounts to a subsidy; it amounts to a retainer for the control of the policy of the paper. For papers would hesitate to oppose the policies of the company at the risk of losing a big check every week.

HOW CAN THE OIL COMPANIES AFFORD IT?

By reducing the price of crude a cent a barrel or raising the price of gasoline one-quarter of 1 cent per gallon, the required amount of money is forthcoming without the poor uninformed public knowing one thing about what has transpired. Millions of money may be raised for lobbying, or employing high-priced attorneys to defend important litigation. The public and independent oil producers pay the bills.

Speaking before the United States Chamber of Commerce recently, Dr. Julius Klein, Assistant Secretary of Commerce, had the following to say with reference to restrictions of business:

We believe that business, acting on its own initiative and guided by the standards it makes for itself, should be free of bureaucratic interference. The course of business—its standards, ethics, and control—rest in the hands of the business men themselves.

Certainly the views expressed by Doctor Klein differ very materially from those expressed by President Hoover in his inaugural address with reference to the attitude business should take toward its competitors and patrons. If business is to be the determiner of its own standards of business ethics and management and attitude toward its competitors and toward its patrons; if it is to be given a free hand in the course it should take and the methods to be pursued in reaching its goal, then, of course, the Sherman antitrust law and all other antitrust laws should be repealed. The pure food law and all such should also be repealed.

The methods by which four prominent heads of affiliated and subsidiary oil companies formed themselves into a company to purchase 12,000,000 barrels of crude petroleum from one of their affiliated subsidiaries and sell it at an advance of 25 cents per barrel to other affiliated subsidiaries whereby seven or eight hundred thousand dollars each was taken over to themselves respectively, and then to decline to pay over to the Government its income taxes thereon, is an illustration of the effect of big business being the determiner of its own business ethics and methods. Again the methods by which some of these large oil company managers acquired possession of Government-owned oil reserves, which methods were set aside by expensive litigation, is another illustration of big business fixing its own business ethics and standards. There is no business trust in the United States certainly, which exercises more unlimited power concerning its business than do the companies mentioned and yet their history certainly does not argue for free determination of their business ethics and methods.

It is pertinent to ask whether much, if any, consideration is given to the welfare of the common people in the legislation enacted by the Congress; whether we yet have a government of the people and for the people, or instead a government by big business for big business.

We most sincerely hope that before this session of Congress adjourns there will be enough interest shown by the Congress, and enough fearlessness shown, enough courage shown by the membership of the Congress toward the independent oil business and the coal business of the United States and the labor employed therein to place an import duty of 100 per cent ad valorem on foreign cheaply produced crude petroleum.

Mr. DOUGHTON. Mr. Chairman, I yield 15 minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman and members of the Committee of the Whole House, while I have always recognized that the underlying purpose of general debate on any pending measure was for the purpose of conveying to the Members of the House information by the members of the committee that originated the measure, and therefore it was logical in furtherance of that purpose, for members of the Committee of the Whole House to interrogate those who were fortunate enough to be allotted time to explain the bill, I must ask, inasmuch as I am not a member of the Committee on Ways and Means but a mere spectator or looker-on in Vienna, as it were, that I be permitted to express my views uninterruptedly, at any rate until I have finished my address, when I will be willing to answer any question that may be propounded to me.

I will be followed by other members of the Louisiana delegation, who will, I know, interest you with their viewpoint on this outstanding schedule in the tariff bill under consideration. A considerable part of the second congressional district, which is represented by my colleague, J. ZACH SPEARING; a large part of the sixth congressional district, represented by the Hon. BOLIVAR KEMP; a little of the seventh district, which grows considerable rice, represented by Congressman RENÉ DEROUEN; and almost all of the third district, which was ably and brilliantly represented here in this House for many years by the late Hon. Whitmell P. Martin, are given to the production of sugar cane. Little or no sugar cane is grown in the rural part of my district, which is composed of a large part of New Orleans. Like most of the people among whom I dwell, I am a rational protectionist in the fullest and widest and deepest significance of the words. [Applause.] There is no use in discussing what we might be if the world were on a free-trade basis.

We know that it is not. We know that every country on the face of the globe is on a tariff basis which is either mainly protective or incidentally so. We know that our country has been on a tariff basis since the beginning, in 1789, and that sugar was the principal schedule of that act of the First Congress. The people of New Orleans all recognize and believe that the prosperity of every city, whether it be seaport or otherwise,

is in a large measure depending upon the prosperity of the surrounding country. When sugar, rice, and cotton are depressed trade is depressed in New Orleans. And that is true of every city on earth, I believe. For the magnificently inspiring declaration "Burn down your cities and the country will build them up, but destroy your country and the grass will soon grow in the streets of your city" is but a striking use of language to convey a truth as old as the world. That same truth was announced in deathless numbers by an Irish poet, Goldsmith, whose "Ill fares the land, to hastening ills a prey, where wealth accumulates and men decay" in his immortal Deserted Village has placed his name in the niche of fame that will last as long as English literature will endure. We are protectionists, I repeat, in the fullest significance of the word. We believe in the protective system. We believe in an adequate defense and therefore favor a reasonably sized Army and a Navy that will be in reality a first-line defense. We believe in good roads as a part of that national defense. We believe in a tariff as a part of that national defense. We believe in a protective system because we honestly believe that it will build up our country and make for a "Glory that was of Greece and a grandeur that was of Rome."

The statement made on the floor of this House that Louisiana had sold her birthright and bartered her integrity for sugar is a mere rhetorical flight or fulmination and not in accordance with the history of southern Louisiana or its attitude toward national problems. Louisiana was a Whig State before the Civil War. The statue of Henry Clay was on Canal Street, the dividing line between the Latin Quarter and the American Quarter, for years and was almost venerated by Louisianians of the southern section of the old State. By Latin Quarter I mean the section occupied by the descendants of Spanish and French ancestry of several generations ago. They are as much American in blood and in patriotism as the people of any other section of this great Union. That statue of Henry Clay is now in Lafayette Square opposite the old city hall, where it was removed as a result of traffic conditions in the central part of the city. His name and his fame and his economic views are still reverenced by our people.

Louisiana Senators have always voted for a protective tariff and the membership in this House from southern Louisiana have always voted for a tariff. Louisiana has a birthright which it has never sold. It has a heritage and an integrity from which it has never parted and from which it never will part. It has never occurred to any Louisianian or any Member of the other body of this Congress to suggest that the people of the proud old Commonwealths of Alabama or Tennessee have sold their birthright because their Representatives have persistently endeavored to have the Federal Government use its best efforts for the utilization of Muscle Shoals. On the contrary, the solid Louisiana delegation stood behind and supported every bill that was considered, the purpose of which was the utilization of Muscle Shoals. It has not occurred and will not occur to us that Alabama has lost its integrity because one of its Representatives has urged courageously that graphite be made a part of the dutiable list.

More in sorrow than in anger do we refer to this ungracious public statement of a man who represents a district in a Southern State, who I know only temporarily forgot the traditions and history of a State that went through a Golgotha largely through a sentiment in order to be one with Alabama and the other States that fought, bled, and died for a cause that is forever lost. But we shall go on and do our duty to our country as we see it, for Louisiana needs no defense from me. As Webster said of Massachusetts, we of Louisiana say of the old State, "There she is." I would be for a protective tariff on sugar if not a stalk of sugar cane grew in Louisiana. [Applause.] While I hope that war will never come again to bleed and devastate this world, I know that it is a world of strife—has always been so—because human nature is not going to change in its essential characteristics. The bugle will blow again, war songs will be heard in the next generation, and the youth of the land will undoubtedly be marching behind the flag of our country as the symbol of its glory and its greatness and the wonderful hopes that it holds out to the world. No one can forecast how long that war will last. We should be prepared for it. Continental United States should be able at that time to produce sufficient sugar to protect us from that want which would grow from a complete deprivation of it. We have sown the seeds of that war in the more than $16,000,000,000 that have been loaned to European countries to build up their enterprises, the output of which must come into competition with the output of our enterprises in the world markets and even in that of our own. And these loans come largely from a section of the country that is to-day clamoring for protection on manufactured articles, commodities, though their section is entirely indifferent to and even antagonistic to a proper protection for the sugar industry of the country, which is absolutely essential to us in times of stress.

Like the people among whom I was born, I would be for a duty on sugar if there were no sugar at all produced in Louisiana, and to you who are sincerely and honestly advocating the debenture plan let me suggest that you ought to favor a duty upon sugar at the rate fixed in this bill, because it will give you the revenue with which to pay for the debentures that you would like to see in operation.

Ladies and gentlemen, let me say that if you are unmindful of what the near future holds for our country, if you believe in attaining a purpose only for the purpose of the gratification of the moment, proceed along lines that will annihilate the sugar industry of the United States, and then the alien countries that produce sugar will, in accordance with the methods that made Standard Oil infamous in the minds of the people years ago and has continued its stench in the nostrils of the Nation, "Standard Oil you" and make you pay out of the nose for that which you brought about through your own unwise and foolish legislative actions. In other words, after having got rid of the beet industry and the cane industry of Louisiana, Cuba, the Philippines, and the other countries that ship sugar to the United States will make you pay tenfold for the sugar they will send into your country free of domestic competition, and you will be in the miserable situation that comes from the reflection or the thought that you brought this calamity upon your own heads by your own thoughtless, unpatriotic, and un-American act.

Why, Europe is taking care of its sugar industry for the tremendous day they know lies ahead, and when it was stated on the floor here yesterday by a Member from the South that sugar was selling cheaper in the United States than in Europe I wished to press home the logical conclusion which that statement must have brought to the minds of all of his auditors, that Europe was taking the precaution to prevent itself from being dumped, a procedure that we are foolishly encouraging to-day. What patriotic American mindful of world affairs would take such a course as would lead to the annihilation of the sugar industry of America and place himself at the mercy of any nation powerful enough to get between Cuba and the Philippines and this our own country in some great war that may burst upon this or the next generation? The thought of patriotism, of love of country, of affection for our native land gives my mind another slant.

I have all my life given my voice and whatever talent God Almighty gave me to the uplift of the workers, the toilers, the hewers of wood, and drawers of water of my home and the world. Finer and nobler things for all our people has been my song by day and by night, because I felt that I was doing what my country needed me to do in a small way, and that was to uplift and bring those that nature had sent into the world so equipped that they did not make for the accumulation of money, a little higher up the hill of life. I felt, and I hope I will always feel, that I was obligated to aid and assist in every honorable endeavor to make the lot of the common people, if you will, finer and better and nobler. With that to me sublime end in view I have unceasingly, day in and day out, followed the leadership that the American Federation of Labor gave this country.

I followed the lamented Gompers with the zeal of a crusader behind Peter the Hermit, because I felt he was doing a great and noble work for this country and for the world; because his grand influence touched all shores and all minds. I have followed Mr. Green, and I will follow him again and again when the intellectuality of his leadership and the reasons he gives for any position are as clearly defined and as thoughtful and logical as they usually are, so that they commend themselves to my thought and my Americanism. I am not going to quarrel with him over any announcement that he makes, but when that announcement is not in the interest of my country I am going to differ from him publicly and express my reasons for differing from him. I long since realized that no man possesses the infallible touchstone of truth and that men equally honest and sincere will draw antagonistic and widely differing conclusions from the same facts presented to them for consideration. Like all human beings, he may, does, and I suppose will continue to make mistakes, because he is always striving to do things that will advance the great cause in which he is a leader and champion. But every idol has feet of clay. There are spots on the sun, to use a homely expression that nothing is perfect. Friends of labor—sincere, honest friends of labor in this assembly—were amazed at the attitude he assumed in regard to the sugar industry of the United States.

A letter from him was read the other day on the floor of this House. It was addressed to the gentleman from Wisconsin [Mr. FREAR], but for political effect a flimsy trick so old that it must have made Homer in his tomb on Mount Ida for 3,000 years roll over in anguish, that must have aroused your derision was resorted to. The chairman of the Committee on Rules [Mr. SNELL] secured two minutes for the lady from New York to read that letter which, of course, might have been read by the one to whom it was written. When analyzed, when scrutinized with the cold eye of reason, the letter logically unfolded to the mind of any man who heard it read that Mr. Green took and takes the position substantially that he would be satisfied to see the American sugar industry extirpated, root and branch, because of unsatisfactory labor conditions, though that would force us to buy our sugar from places where labor conditions are immeasurably worse—that of the peon and the coolie, whose unfortunate lot is the last word in human degradation. That is the position Mr. Green finds himself in as a result of his own lack of logic. That leadership I will not follow along that line and that road. If there are conditions that require amelioration in the labor world of the United States, let us endeavor to apply a corrective hand; but let us not proceed along lines that would destroy an industry. I will help him in such a laudable effort with all the power at my command. Frankly, I do not know much about the beet-sugar industry.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. With pleasure.

Mr. COOPER of Ohio. Suppose labor in the sugar industry in our country was organized; would it have any chance of competing with the labor in the Philippines or Cuba to-day?

Mr. O'CONNOR of Louisiana. I do not think so; not without a tariff, though I agree with the suggestion conveyed by the question that more things are wrought by organized labor than this world dreams of. I think a tariff is absolutely essential, both for cane and beet sugar. Look at a wall map of the United States. I am glad the gentleman interrupted me. It is an honor to be interrupted by a distinguished Member of the House, whose heart beats in unison with the efforts of labor and who has spent the better part of his life in furthering labor's interest in an honorable way. Look at the map of the United States and you will see a belt from the Rio Grande to the Atlantic south of 31 degrees north latitude in which cane may be grown and raised, for the soil and climatic conditions are similar to those in that part of Louisiana where cane is grown. Some one has mentioned the Philippines. I have often wondered why the American people, for a sentimentality that will not stand close examination, hold on to the Philippines.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. DOUGHTON. I yield the gentleman five minutes more.

Mr. O'CONNOR of Louisiana. What are we going to do with the Philippines? Prior to 1898 very few people in the United States knew anything about the Philippines. Our fleet under Dewey was out in the eastern seas because the big fellows in this Nation thought China was to be dismembered into fragments and we were looking to be in on the killing. The Spanish-American War fitted in with our purpose. The Philippines would furnish us with a base of operations when the civilized nations of the earth, hungry as dogs and fierce as wolves, would swoop down on China. Of course, that looked all right militarily and perhaps otherwise in that day, for that was before Japan had licked Russia and demonstrated to the world that a new power had stepped on the stage, and that, in so far as the Orient was concerned, a dominating factor in Nippon had sprung into existence. Old Kasper thought the Battle of Blenheim was a famous victory, and, in like manner, a great many Americans went wild over the destruction of the Spanish fleet in Manila Bay. "'Twas a famous victory"; but has any good come of it?

The flag of our country, the flag of a free people, the emblem of a great Republic, the Stars and Stripes, that should be associated with the freedom of which we boast, waves over a subjugated people who, like the peoples of every generation that ever lived on this earth, are clamoring for their political independence and who will not be appeased by the material blessings and gratifications you or we have been so liberally bestowing upon them. The politician, banker, or industrialist, or preacher, if there be any difference among them, who believes that you can purchase a people into acquiescence, is either ignorant or unmindful of what the pages of history teach. There may be a few in the islands who pretend to be satisfied, but they have the contempt of their fellows who think, if they do not say—

Just for a handful of silver he left us,
Just for a ribbon to stick in his coat.

But aside from the obligation we owe to freedom and the perfectly proper political aspirations of mankind, in our own interests we should immediately begin seriously to consider the independence of the Philippines and permit them to work out their own destiny and salvation in accordance with their own cultural inclinations and intellectual hopes and yearnings.

They would be a liability in a war with an oriental power, for we would probably lose them in the first week of the conflict and regain them only through the general result that would flow from ultimate victory and treaty.

A possession 7,000 miles away from our shores is too far from Broadway, to use good, understandable Americanism, and if they are not now an economic burden, they soon will be. There is no use wasting words to prove this. That need not be proven which is self-evident; and why light candles when the sun shines bright?

If not settled before then, the next presidential campaign ought to be pitched so that our tremendous loans we are making to foreign countries and their implications and ramifications and the desirability of releasing the Philippines should be the chief issues. Such a discussion would be far better for the welfare and the intellectual advancement and development of our countrymen than the wretchedly low-grade stuff and hideous balderhash the people had to endure from the pulpit, editorial sanctums, and the hustings during the last disgraceful presidential campaign.

The tariff is not an issue any longer. A tariff for revenue was the slogan of the Democratic Party for years and in its time it was a good slogan. But with the advent of the income tax law that slogan in all of its manifestations went or should have gone to the boneyard. What is desired by the people more than anything else is stabilization in tariff rates and as little tinkering as possible for like the doctrine of stare decisis in the field of legalistic and property rights it is better perhaps to have a stabilized, though perhaps, faulty tariff structure that makes for something like permanency than a vacillating rate policy that makes for nothing so much as uncertainty and confusion, which are the bane of our commercial life, intercourse, and movement. Let me close by reiterating that our two major problems are the Philippines and our huge loans abroad, so vast in total that the imagination is intrigued by the figures.

It was Peter the Great who said, "After the Swedes have taught me how to fight I will knock the stuffing out of them." Those may not have been the exact words, but that is substantially what his declaration was. That is what he would have said, anyhow, if he had been acquainted with the powerful punch and expressive force that lies in our American vernacular. But in all seriousness, "Whither goest thou" might be addressed to each of us as a unit or symbol of our national greatness.

One thing appears certain, and that is that we will have to maintain the protective system of this country in its widest and fullest significance. That means the development of our waterways, the construction of roads, and the stimulation of our domestic commerce, which is far away as yet from its goal when every lane should be lighted by electricity and be brightened with fire of invention, homes that should attest the greatness and the glory, the wealth and the grandeur of country by the sculpture and the painting that will adorn, each being an art gallery and a music house into which the singers and orchestras of the world will nightly send their melody. Such a protective system is not in harmony with the colonization of our wealth, the exile of the fruits of our labor, thought, and toil abroad in foreign lands. Such a movement is antagonistic to our domestic development. Such an expansion, if it be expansion, is like sowing dragons' teeth that may spring up as armed men to wreck our hopes and make us one with yesterday.

I would like before I close—and I will extend my remarks for that purpose, to pay my respects to some people who have assailed sugar for no other reason than to secure a quid pro quo plus, for they have already far more than that to which they are entitled. To give some of these high binders of the productive all that they are demanding would be like greasing a well-fed hog's snout. There are some people still in New England who believe that the Civil War was fought, not to preserve the Union but to expand their industries and keep the balance of the country subjugated for their benefit. They do not want any sugar industry in the United States because it is in the West and South. They are not interested. They are interested in themselves and what money they put into Cuba.

The gentleman from New York [Mr. LAGUARDIA], for whom I have a great affection, for he has been a hero in many a strife—wept and wailed over the children of New York. When he weeps over those that are in sorrow and misery my tears will mingle with his. I have no doubt of his sincerity, but his

methods would be a joke if the consequences were not so serious. Does he not know that the surest way to bring about a sugar famine or enormously increased prices is to ruin the domestic production of sugar? I wonder if with all his astuteness he has not been played up a tree. "The voice is the voice of Jacob, but the hand is the hand of Esau." In other words, while he is crying aloud for the poor, he is the unconscious tool of the money bags who have sent their money into Cuba and the Philippines, via Europe, as a part of the $16,000,000,000 loans. He might think he is crying aloud in throbbing tones for the children of New York, but he is crying aloud without knowing it in a thrilling voice for the investments made by the financial interests of Wall Street in Cuba, and, my countrymen, look out for this. This is but symptomatic—the big financial interests of New York have investments in Cuba, and they have, through the $16,000,000,000 loans made to European countries which have reinvested and indirect interest in the Philippines. They will beat down our domestic sugar industry if they can, and because of the $16,000,000,000 invested in European countries, they will sooner or later endeavor to beat down all of the industries of this country, whose output will come in competition with the output of the enterprises this vast sum has rehabilitated and put into operation.

Rome was destroyed by the colonies which it had made and which it taught how to fight. Look out for America that she is not overcome by the financial colonies she has created in Europe, loans so huge that the mind can hardly comprehend and grapple with the figures.

My friends, stand by sugar. I know that some few over here snickered the other day when it was mentioned that we needed to maintain our domestic sugar production to meet any great exigency or war purpose. I will tell you a tale before I get off this floor. You remember that during the war that was to end all wars 16 vessels were sunk off New York. We gave out the story that it was of no consequence, because we said the ships were empty. Each and every one of them was filled with sugar, and it was in those trying days that we were crying aloud about sugar. Those vessels might and could have been sunk by the submarine between Cuba and Florida as near New York. Preserve your sugar. Of course, you have to pay for it. Any good thing worth having is worth the price. It is a part of the national defense. It means as much, in a measure, to you as your Army and Navy. Of course, it will cost, but the cost will go into the Treasury Department, and I repeat if those of you who are shouting your lungs out for the debenture plan mean it, proceed along honest, logical lines, and impose the tariff on sugar, as proposed in this bill, and get the revenue with which to finance your debentures. That is the way to do it.

Mr. MANLOVE. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of Louisiana. Yes.

Mr. MANLOVE. I have listened to the debates upon the question of sugar here by those who are interested but have not heard a single one refer to an industry which is equally interested in the prosperity of sugar. I refer to the horse and mule industry of Missouri and the Middle West. Wherever you have a prosperous sugar industry in the South and in the beet fields of the West we have good prices for our horses and mules.

Mr. O'CONNOR of Louisiana. I thank the gentleman from Missouri for that contribution. It is indeed as he suggests and illustrates so happily. Every section of our country that enjoys prosperity will impart some of it to its neighbors. I know that reference has been made to the profits of the Great Western Sugar Co., I think it is called, and this is done by the very men who ought, if they are concerned about the effects of great profits, to be thinking of the origin of the Standard Oil and the Steel Trust. If you want to add to your information and know why you are paying big transportation rates, read the speech made by Bourke Cockran years ago on that subject. You will find it in the CONGRESSIONAL RECORD somewhere near the close of his brilliant congressional career. You will educate yourselves as statesmen and Americans. [Applause.]

In that great speech, as I remember it, he showed that nine hundred millions of the billion-dollar trust was pure water, which did not represent a pick, a shovel, or a wheelbarrow. And yet it is now worth par and earning a big income for its holders. Do you wonder why the farmers groan under heavy railroad rates? For that enormous—I almost said criminal—financial deal has made for the prices of locomotives and rails, which in a measure explains the valuation placed upon railroad property by the Interstate Commerce Commission for rate-making and other purposes.

Read Ida Tarbell's History of Standard Oil if you want to become thoroughly educated in regard to the birth, development, and power of the octopus.

And these mighty corporations—steel and oil—are directly or naturally well protected in their by-products. But though the rates are high which protect them and the earning of grants immensely large, no voice has been lifted here against them. Of course not, for the big interests, with all the sagacity of the artful dodger, have the cry of "Stop thief!" and the whole pack of orators have gone pell-mell after a mouse, while the sly foxes are grinning with delight over their own astuteness.

Protect sugar, my friends. You have given ample protection to interests far less worthy as national concerns. Save sugar, my colleagues, for to-day and to-morrow from which no man say what will come forth. It is a national asset and it is our solemn duty to protect it.

Mr. TREADWAY. Mr. Chairman, I yield 10 minutes to the gentleman from Colorado [Mr. HARDY].

Mr. HARDY. Mr. Chairman, if any product of industry or agriculture in America deserves and needs reasonable protection it is beet sugar.

Nothing can be said in favor of protection for the manufacturer of the East nor of the farmer of the South or West that does not apply with equal force to the American grower of sugar cane and sugar beets.

If there is a consumer who does not produce, he can have less to complain of as to the cost to him of a tariff on sugar than he can of most any other thing which he eats, wears, or enjoys that is protected by a tariff.

A war of propaganda has been waged between the sugar manufacturers of Cuba and the sugar manufacturers of the United States.

You have heard a lot of speeches by Members making charges against or defending certain sugar companies.

You have heard little about the farmer who raises the beets. And it is the growers on American farms who are chiefly interested in this sugar tariff schedule.

There are about 100,000 farmers in 19 States who grow sugar beets. Something like 800,000 acres are planted to sugar beets. The value of the sugar-beet crops to these farmers is approximately $60,000,000 a year. The value of the sugar made in United States is about $120,000,000 annually.

If the Underwood tariff bill had not been repealed, not an acre of sugar beets would be planted to-day except for stock feed, and we would be dependent upon foreign lands in times of war as in peace for our sugar.

The industry comes more nearly being cooperative than any other in agriculture. The farmer is given a contract at so much per ton—say about $7. He knows that when his crop is harvested he will have that much assured. In addition the company agrees to pay an additional sum based on sugar percentage and market price of sugar. The company divides up the profits with the farmer. In some cases the farmer gets 50 per cent of the sugar value of the beets—50-50. The farmer gets half for producing the beets and the company half for manufacturing the sugar, financing the crop, and marketing the sugar. In all the contracts of whatever form the relationship between farmer and manufacturer is about the same.

The sugar beet is a satisfactory crop to plant. The farmer knows that he has a market for his crop before he puts the seed in the ground and he knows approximately what he will get for his crop.

The sugar beet is a valuable crop to plant because it helps the productivity of the ground; in rotation with other crops it builds up the soil and gives an increased yield to cereals and other crops.

The sugar-beet farmer is not in competition with any other kind of a farmer. Where he is planting sugar beets he is not planting wheat, oats, and corn. He is helping to reduce the surplus in other crops to the extent of his acres planted to sugar beets. A repeal of the tariff or a reduction of the tariff on sugar would force the farmer in sugar-beet sections to plant other crops which would add to the surplus we now hear so much about. With a substantial increase in the tariff and a degree of permanency we could increase largely the acres planted to sugar beets to the advantage of the producer of other crops.

You hear a lot about the proposed 3-cent tariff. As a matter of fact 2.40 cents is the only figure worth considering. Less than 1 per cent of the imports of sugar pay the full tariff rate. More than 99 per cent of the tariff-paying imported sugar comes from Cuba, and under the schedule in this bill would pay only $2.40 per 100 pounds. Under the present law the rate for Cuban sugar is $1.76 per 100 pounds. This bill proposes an increase of only 64 cents per 100 pounds on 99 per cent of all sugar imported from foreign lands.

It requires a broad stretch of the imagination to fear that the well-paid or poorly-paid laborer of Baltimore would suffer for

the want of a lump of sugar for his coffee on account of that small increase—only slightly over one-half a cent a pound.

Much exaggeration is indulged in sometimes by well meaning and good people.

That is especially so in connection with this bugaboo raised about child labor in the sugar-beet fields. Congressman EATON of Colorado, on May 17 made a full and frank statement of this question providing the most substantial evidence fresh from Colorado, which emphatically denies and refutes many charges made. (See CONGRESSIONAL RECORD of May 17, pp. 1477, 1478.)

I presume there are some children working on farms that produce sugar beets. It is not an uncommon thing for children of farmers to do a little work. And who among us who worked himself when he was a boy would now raise his children up in idleness?

You would think that some who talk about child labor on the farms would have our children kept in cradles until they are 16 years of age. But I fear they are men and women who have no children of their own and who have forgotten their own happy working youthful years.

Many people talk as if beet sugar were a new thing and in a way still an experiment. Sugar in beets was discovered in 1705.

Napoleon put beet sugar on the map, so to speak. During the wars between England and France, England's embargo cut off importation of sugar from the colonies into Europe. Napoleon issued an edict requiring farmers of France to plant at least 90,000 acres of land to sugar beets. He spent a million francs in the establishment of beet-sugar factories in France. From those times on Europe produced a great part of her sugar consumption. From 1890 up to the beginning of the Great War in 1914 more sugar made of the sugar beet was produced and consumed in the world than that made of cane.

Some people talk as if collecting duty on imports from or restricting imports from colonies or insular possessions is an unheard-of thing. On the contrary, such has been quite common in the history of Europe and our own country. With the sole exception of France and Great Britain, all European nations collect the same rate of duty on sugar imported from foreign countries. France makes a little adjustment, about equal to freight charges, and Great Britain allows colonial imports of sugar about one-third off general tariff rates.

Sugar from the insular possessions of the United States now pays no duty when entering American ports. Hawaiian sugar was granted free entry into the United States in 1876; the United States duty on Porto Rican sugar was reduced 85 per cent in 1900 and made free in 1901; the duty on Philippine sugar was reduced 75 per cent in 1902; 300,000 tons annually were made free of duty in 1907; and in 1913 all Philippine sugars were admitted to the United States free of duty.

Mr. MANSFIELD. Mr. Chairman, will the gentleman yield?

Mr. HARDY. Yes.

Mr. MANSFIELD. It is a fact then that the United States is the only country that allows sugar to come in absolutely free from its colonial possessions?

Mr. HARDY. That is my information.

Some people talk as if a tariff on sugar is a new thing. It is not. The first American tariff was placed on sugar in 1789. The different rates for sugar in our tariff laws are as follows:

In 1789 the United States tariff on raw-sugar imports was 1½ cents per pound; in 1800, 2 cents; 1816, 3 cents; 1832, 2½ cents; 1846, ¾ cent; 1861, 2 cents; 1862, 3 cents; 1864, 3½ cents; 1870, 2¾ cents; 1883, 2¼ cents; 1890, free and 2 cents bounty on domestic; 1894, 40 per cent ad valorem; 1897, 1.685 cents; 1903, 1.348 cents on Cuban; 1913, 1 cent; 1921, 1.60 cents; and in 1922, 1.76 cents on Cuban.

Some people talk as if the tariff rate on sugar coming into the United States is high and that the proposed rate of $2.40 on Cuban sugar would be high as tariffs go the world over. But it is not. In fact, many countries have a much higher tariff rate on sugar than the United States has ever had or proposes to have.

Here are the tariff rates charged on 96 per cent raw sugar, the grade most generally imported, by a number of countries. The rates are in cents per pound, figured in our own currency, at exchange rates on September 1, 1928:

Brazil	17.610
Salvador	15.876
Peru	9.428
Greece	5.723
Belgium	5.047
Guatemala	4.902
Spain	4.822
Poland	4.572
Czechoslovakia	4.538
Turkey	4.478
Costa Rica	3.773
Norway	3.703
Honduras	3.587
Rumania	2.914
Finland	2.892
Uruguay	2.722
Paraguay	2.608
Argentina	2.462
Russia	2.330
Germany	2.270
Irish Free State	2.270
Venezuela	2.189
Australia	2.022
Newfoundland	2 000
Bulgaria	1.962
Hungary	1.816
United Kingdom (plus bounty)[1]	1.811
Canada	1.770
United States (Cuban rate)	1.7648

It is too much to hope for, but if the sugar tariff and restrictions could be made so complete that the continental United States would produce all our requirements in sugar it would be the best farm-relief measure we could pass for permanent relief, as the acreage planted to sugar beets would withdraw those acres from other crops and greatly reduce the surplus raised and would take care of the situation in a normal way.

Many people actually believe that the sugar beet is a delicate plant and will grow and thrive only in rare and limited sections. Nothing is farther from the truth. In 19 States now we have about 800,000 acres planted to sugar beets. To produce all the 6,000,000 tons of sugar used in the United States annually would require only about 4,800,000 acres of planting. James Wilson, noted Secretary of Agriculture, stated:

> We are justified in saying that the total area having soil and climate conditions adapted to the production of satisfactory sugar beets is at least 274,000,000 acres.

About sixty times enough land to supply all our needs.

And if America did produce all our needs in sugar, prosperity would come to many States now crying for farm relief and the price of sugar to consumers could easily be less than it is now.

We have heard a lot here about one beet-sugar company that has made money. Of all the beet-sugar companies in America only one has been pointed out as having made money. Surely if there are others they would have been pointed out by the defenders of Cuban interests. And that one company failed to earn more than half its regular dividends in two out of the last three years.

That company has no factories nor interests in that part of Colorado which I have the honor to represent.

Three other beet-sugar companies each have a single factory in my district. None of them are making money. None of them have paid dividends on their common stock for the past several years. None of them can pay the beet grower what he ought to have for his beets.

Whether the owners of these factories make money or not may be incidental. Some seem to prefer to see the owners of Cuban factories make the money in preference to the owners of American beet-sugar factories. Some of the owners of Cuban interests live in the district of some of my friends here. Wall Street and New York financial papers seem to reflect the viewpoint of the Cuban interests. Cuban sugar stocks have been much traded in on Wall Street.

While I think American factories should make money and have a preference over foreign factories, it is not of the owners I am chiefly concerned.

It is the man who plants the sugar beet who is most in need of ample protection. Of course, the factory which makes the sugar must make money in order to pay the farmers who grow the beets.

There are in this country about 100 beet-sugar factories owned and operated by about 27 different companies. These companies have something like $250,000,000 invested in the enterprise.

Three factories owned by three different companies are located in the district I represent. They are located at Sugar City, Rocky Ford, and Swink, Colo. They furnish the lifeblood for the communities in which they operate, and they spread their benefits out over a number of other counties from which they ship sugar beets.

Here are some interesting figures of what this sugar industry amounts to in this one small section, with only three beet-sugar factories working: Farmers have planted to sugar beets about 31,365 acres. They harvest about 418,940 tons of beets. They sold them to the sugar factories and were paid last year about $2,631,600. In addition to that distribution among the

[1] In addition to the import duty on sugar, Great Britain grants a bounty on sugar and molasses manufactured from beets grown in that country. The above rates are exclusive of excise, sales, and other internal taxes which are also applied to domestic sugar.

farmers the three sugar factories paid out for freight and supplies $1,504,000. Sugar made by these three factories last year amounted to 107,600,000 pounds.

These sugar-beet factories are surrounded by thriving little communities, up-to-date little towns, and thousands of acres of sugar-beet farms. The sugar-beet crop pays the farmers millions of dollars a year. The farmers spend the money in the towns. The farmers keep the towns going. The townspeople buy much merchandise from the East.

When you pay six or seven dollars for a sack of beet sugar every dollar, every cent of it goes into the pockets of home folks and Americans and is spread out over this broad land of ours. When you buy a sack of Cuban sugar most of your money goes into foreign lands and we rarely see it again.

Give the beet sugar fair protection and the little beet-sugar communities now scattered throughout 19 States will prosper and thrive.

And what is all this talk about? You would think it was about a dollar a pound from the noise that has been made.

But as a matter of cold fact, the increase proposed is only 64 cents on a 100-pound sack of sugar imported from Cuba. It may raise the price a trifle or it may not. It means nothing to the consumer worth talking about. It would help to stabilize the industry in our country. It might result in a little profit to the makers of sugar and the farmer-grower of beets in the United States.

Taken from a standpoint of factory, labor, or agriculture, no item in this tariff bill is more justified than the schedule on sugar. [Applause.]

The Ways and Means Committee had pretty good evidence brought before it showing the need for this small increase in the sugar tariff. I would like to quote a few paragraphs from the hearings giving brief facts stated and the page in the hearings where found. Much of this is from the oral and written testimony of the Mountain States Beet Growers' Marketing Association of Colorado, Montana, and Wyoming.

Since 1914 the cost of raising beets has increased 67 per cent on beet machinery alone, while the increase in price of sugar in the same period has been only 7 per cent (p. 2924).

The beet industry can not continue with the present tariff. The cost of growing beets in Colorado, according to the United States Tariff Commission, averaged for 3-year period, without interest on equipment or land, is $5.79. Including interest, the cost to the farmer is $7 per ton We can not continue growing beets and selling them at cost (p. 2899).

If we can not continue growing beets on the present basis what will happen? The American farmer produces a great surplus of wheat and some other agricultural commodities which must be sold abroad, often with difficulties and losses; and at the same time we import other agricultural commodities, of which cane sugar is by far the most important. To avoid these surpluses and diversify his crops, the farmer has planted each year approximately 800,000 acres to sugar beets, an integral part of a rotation system used on between 4,000,000 to 5,000,000 acres (p. 2938).

Last year I did not plant beets. On my beet ground I planted corn and barley. That means the corn growers of Nebraska lost a market for 13,000 bushels of corn I raised; the railroads lost the freight on the corn I ordinarily buy from Nebraska; my beet equipment stood idle (p. 2902).

Why are we not entitled to a price for sugar that will give us a living wage, so that instead of growing 1,000,000 tons a year and having 3,500,000 tons shipped in from Cuba and other places we can produce all our sugar? If this sugar must come in from Cuba and the Philippines why not bring in, also, machinery, furniture, clothing? Why not let some good, patriotic citizen take his money and go to Germany and manufacture steel implements and bring them in (pp. 2902–2903)?

The issue is: There is between $600,000,000 and $700,000,000 worth of sugar market in the United States. Different groups are clamoring for this market. It is up to you men to determine who is entitled to it, who has the first right to this market. We are here pleading for the American beet raiser and the American producer (p. 2934). We say that the American market should be for American farmers. Why can we not have as much protection as the other fellow (p. 2903)?

If this particular industry had been put on an equality with other industries and let alone and not have been made the football of politics we would now be producing sufficient beet sugar to supply the people of the United States (p. 2920).

I can not understand why everybody has always picked on sugar. It is to-day the cheapest food and has always been. If you had to pay 20 cents for sugar it would be on a parity with steak at 10 cents a pound. Sugar is a concentrated food, but people want it for nothing.

Sugar to-day is a dollar a hundred cheaper than when the tariff law was enacted in 1922. If it was right then an increase of a dollar is right now. (Proposal of the United States Beet Sugar Association is for an increase of 64 cents per hundredweight, or 0.64 of a cent per pound in the present rate of 1.76 against Cuba.)

The sugar-beet industry owes its existence to the solicitude of the United States Department of Agriculture and the protective tariff. The existing rate of 1.76 cents on Cuban raws is inadequate to enable the domestic beet producer, paying American wages and maintaining American standards of living, to compete with cane sugar produced in the Tropics. Changes in money values have rendered the present rate still further inadequate. Inadequate protection prevents United States domestic sugar producers from advancing as rapidly as foreign cane countries (pp. 2938–2939).

Our low tariff induces American capital to invest in sugar properties abroad. Europe through adequate sugar tariffs is practically self-supporting. The low United States sugar tariff and high European tariffs induce dumping and unfair competition in the United States (pp. 2940–2941).

"The American farmer is in the process of building up a great home agricultural industry which at once improves the farmer's soil, enables him to diversify his crops, and tends to release the American people from dependence upon the foreigner for a major item in the national food supply." (Quotation from President Coolidge, p. 2929.) We wish to call attention to the fact that development of the industry within the United States as a war measure is one of great importance. England, because of that, is developing the industry on the British Islands (p. 2929).

Under the participating contract with the beet-sugar factories the farmer obtains practically one-half of the money received from the sugar made from a ton of beets in payment therefor. The farmer would benefit by an increase in the sugar tariff, would get one-half of any increase in price due to the tariff (p. 2916).

[Applause.]

Mr. TREADWAY. Mr. Chairman, I now yield to the gentleman from New York [Mr. CULKIN].

Mr. CULKIN. Mr. Chairman, ladies and gentlemen of the House, I feel compelled to speak in behalf of the New York State farmer. The average resident of the country and a good many Members of the House can not visualize New York State in terms of agriculture. The reason for this is simple. The farmers of New York State, being largely of New England extraction, are not vocal. They do not clamor for special legislation. They have fought a losing fight in their chosen field without attempting to obtain gratuities or special legislation from this body. The average resident of the country, when he thinks of New York State, visualizes Wall Street; either that or his ears have been filled with the now stilled melody of The Sidewalks of New York.

Only last week one of my Republican associates gave a statement to the press that farm relief was intended only for the farmers west of the Mississippi. This is a curious state of mind for any Representative to be in. For his information and the information of those similarly afflicted, I wish to advise the House that New York State has 192,133 farms, or 27,832 more than Kansas. It has only 24,782 less than the great agricultural State of Iowa. The total value of the New York farm acreage in 1925 was placed at $1,822,375,000. This is about two-thirds of the valuation of Kansas farms. It will interest the country to know that this area, which the average citizen of the Nation regards as the seat of the money power, produced in the year 1925 crop values amounting to $432,762,284. During that year Kansas produced only slightly more than this, to wit, $575,333,000.

The dairy cattle of New York State, which number 2,288,000, are valued at $197,344,322. The milk produced and sold exceeds 588,774,000 gallons. The cream produced exceeds 1,233,000 gallons, while the butter made and sold is more than 16,432,777 pounds, all of which sold in the last year for $183,342,000. The farmers of New York are a taciturn generation. If there is any reclamation to do they go down in their lean purses and do it themselves. They are distinct in this respect from the West, Middle West, and southern group who, when calamity falls or when crops fail, seek to recoup themselves out of the United States Treasury. The New York State farmers are on their own. They have never been very vocal about farm relief in any form. All that they ask is a place in the economic sun on a par with industry.

DEMOCRATIC TARIFF BROUGHT DISASTER

The Underwood tariff of 1920 placed them in competition with the farmers of Canada where living costs are lower. This disastrous tariff placed everything the farmer produced on the free list. It wrecked the farmer of the north country financially. It required him to compete with his Canadian neighbor on an equal basis, although living is cheaper in Canada, taxes are lower, and the whole economic structure involves less disbursement and less overhead. The passage of the Fordney-McCumber Act, the Republican tariff measure of 1922, found the

New York State farmer prostrate. He was unable to pay his taxes; he was unable to educate his children in the higher branches of learning. The north country, rural New York, has from time immemorial been the source from which the metropolitan center has largely recruited its leaders in the professions, in the arts, and in the field of finance. The northern New York farmer, true to the instincts of his New England forbears, believes in higher education for his worth-while child. Under the crushing influence of the Democratic tariff policy this boon was in a large part denied him.

The Fordney-McCumber Act helped the situation materially. It placed a tariff, not sufficiently high it is true, upon the farm products coming over the border. It resulted in a definite abatement of some of the economic woes from which the farmers were suffering. But it was not sufficient. The present tariff bill more nearly does justice to the upstate farmer. The Ways and Means Committee has presented a bill which more nearly than any other legislation supplies economic aid to the farmer. The duty on the products of the farm and dairy are substantially increased where conditions make it necessary. The effect of this duty is to give the American farmer the American market. If there are any loopholes in it they can be closed by the operation of the flexible tariff.

I have submitted these schedules to the farmers and farm organizations of my district and they generally approve of them. Some of them, however, stand for the schedules as advanced by the National Co-Operative Milk Producers' Association. I have no quarrel with the position of this association or its leaders. I think the technicians of the association presented its case very ably to the Ways and Means Committee. Their schedules are in the main just and proper and within the scope of proper farm relief. But legislation is more or less something of compromise.

I am confident that the proposed tariff will save the American market to the American farmer. This is corroborated by the Canadian producers. The press recently printed a dispatch from Toronto, Ontario, quoting Mr. J. A. McPeters, manager of the Toronto Creamery, as stating, "As far as milk and cream are concerned, the former rate was so high that little could be exported from Ontario. The export outlook is entirely depressing under the increased duty whereby the rate is doubled on milk and increased by 28 cents per gallon on cream." This would seem effectually to put at ease the few who question the efficiency of the new rates.

The gentleman from the Corn Belt who would limit agricultural relief to the States west of the Mississippi obviously does not know the agricultural status of New York. He does not know that the feed bill of New York State for feed grown outside the State and shipped in averages about $85,000,000 per year. If he does know this, he is apt to say that the farmer who does not raise everything he uses on the farm is not a farmer but a manufacturer. He is like a storekeeper who abuses a good customer. Moreover, he does not realize that the New York State farmer is surrounded on all sides by manufacturing industries where the average wage paid the unskilled mill hand is $20 per week. The result is that the farmers are robbed of their farm hands. The lure of the city, movies, and the like is too strong to resist.

Incidentally the net return to the average farmer in New York State, throwing into the scale the services of his wife and family, is but $750 per year. Under these conditions he is effectually tied to the soil. His land has depreciated in value; there is no market for it. It is being abandoned or sold for taxes. His situation cries to Heaven for relief. My colleague from the West is out of bounds when he suggests shutting off the New York State farmer from legislative relief. May I say that the farmers of New York are more truly farmers in the original sense than those that till the soil, for long before the husbandman sowed the earth for profit, "Men drove their animals from place to place and lived on their milk." I trust the gentleman from the West, in view of these facts, will modify his position on the matter and take the New York State farmer to his spacious bosom. If this is not done, there will be blood on the political moon, not only in New York but in all the great dairying States east of the Mississippi.

PROMISES OF THE CAMPAIGN

May I say in this connection that prior to election President Hoover and his multitudinous spokesmen throughout the country promised definite economic relief to the farming group East and West. They were told then that Candidate Hoover was a great economist who could lift them out of the slough of economic despond and give them their place in the sun. The people of my district believed that then, and they believe it now. They realize, too, that Rome was not built in a day. They realize that the rehabilitation of this basic industry is surely to be accomplished. But it will take a little time. The farmers of my district have confidence in the leadership of President Hoover. They are with him on the proposition that no quack remedies should be applied to this situation. They realize that with proper protection all along the line, with the elimination of foreign competition, whether this competition supplies the bona fide article or substitutes, that the day of their regeneration is at hand. I have no sympathy with a scheme of economic or legislative aid which believes that we should sacrifice agriculture on the altar of foreign trade. We have done that long enough. It is interesting to note that Canada, whose feelings we are told we should conserve, has a preferential tariff in favor of Great Britain. This principle applies as well to industry.

It developed in the House the other day that Czechoslovakia, which is flooding America with shoes which are on the free list and incidentally destroying the American manufacture of shoes and the workers in that field, has a duty on shoes of 15 per cent. In my judgment, there should be no sentiment about tariff. There is no economic sentiment elsewhere in the world; why should America be the pioneer in this field? Under the able leadership of President Hoover, who is better equipped to solve these problems than any man who has ever occupied the presidential chair, the situation is bright for the farmers of New York and the Nation.

BILL FOR FARM RELIEF

Promptly and within two weeks after Congress assembled the House passed H. R. 1. It has the following caption:

To establish a Federal farm board to promote the effective merchandising of agricultural commodities in interstate and foreign commerce, and to place agriculture on a basis of economic equality with other industries.

This caption states the case. The bill itself carries an appropriation of $500,000,000 for the purpose of carrying out the principles of the bill. The Republican majority in making this great sum available for farm relief has given positive evidence of its desire to aid the agricultural group. Except in times of national emergency no such sum has ever been appropriated for a given purpose. The Republican Party is keeping faith.

The bill is sound from an economic standpoint. It contains no quack or indefensible remedies either from the standpoint of agriculture or the Nation as a whole. It creates a farm board whose function it is to promote the effective merchandising of agricultural products. It will control and stabilize the current of interstate and foreign commerce in the marketing of agricultural commodities and other food products. Its function is to minimize speculation and prevent inefficient distribution. Its function is to encourage the organization of producers into cooperatives. Its function is to maintain advantageous domestic markets and to prevent unduly low prices for any commodity.

This bill, with its appropriation of $500,000,000, is to encourage the principles of collective bargaining through cooperatives. The basic trouble with the farmer in America is that he has never received but a small percentage of the returns from his product. The middleman or professional pyramids the price of what the farmer produces by his sweat and toil after dealing individually with the farmer and paying whatever he sees fit. This price has usually been less than actual costs of production. In the hearing before the Ways and Means Committee the representatives of the distributor complained that the farmer in the dairy field was not producing effectively. They stated, in substance, that in Denmark, by careful breeding, the average cow produced 10,000 pounds of milk per year, while here in America the average cow, although eating as much, produced only 5,000 pounds of milk per year. This is not news to the farmer, but the fact is that the farmer in my neck of the woods, owing to the low price received for his products, has in many cases been unable to improve his herd. This is true of any business or industry. Unless there is a profit in its operation, expansion is out of the question.

The function of H. R. 1 is to bring the farmer and producer closer together. It is my belief that unless the distributor pays a proper living price for dairy products, then the farm board, under this plan, will intervene and put the dairy producer directly in touch with the consumer. It has been stated on the floor of the House that the operation of this bill would result in greatly increased income to the producer and cheaper prices to the consumer. I believe this to be true.

ORGANIZATION NECESSARY

To carry out this program the farmer must be organized. It is interesting to note in the brief filed before the Ways and Means Committee by the National Co-Operative Milk Producers'

Association that the Dairymen's League Co-Operative Association of New York ranks first in membership among the cooperatives in this field. It has 71,883 members. It ranks first in annual sales. These sales amount to $82,501,310. This outfit is fighting the battle of the dairy producers in New York State and has justly attained a position of commanding influence in that field not only in the State but in the Nation. Yet they have hardly touched the surface. Their membership is only 71,883. I do not have the number of farmers outside the field of the Dairymen's League, but there must be an equal number without their fold who are receiving the benefits of this organization but are not cooperating. This would seem to be true on the basis of dairy products marketed in the State of New York. There are practically $75,000,000 of these products that are handled by independents or by people who are not affiliated with the Dairymen's League or kindred organizations. This condition spells disaster even with the aid afforded by this bill and by the tariff. Presenting a united front to the distributor and with the aid afforded by the Haugen bill, supplemented by an adequate tariff, the solution will be easy. I urge all farmers to affiliate themselves with some cooperative. I urge the grange and county farm bureaus and similar organizations to make a vigorous effort to get all producers within the ranks of the cooperatives.

It should be said in this connection that agriculture is not limited to dairying in New York State. It is much diversified, but every group has additional protection under the pending tariff bill. It is incumbent upon these groups to get together and organize. The benefit of the tariff and farm relief bills will apply alike to the raiser of poultry for the market as well as the man who is in the business of raising vegetables or fruit. All should organize effectively.

The Haugen bill and the accompanying tariff legislation will fall short of its purpose if the dairy and other producers continue to permit themselves to be dealt with piecemeal by the middleman. It was the Napoleonic conception to divide the enemy into two parts and destroy the separated units one at a time. The farmers are divided into 50,000 units. The farming group should take a leaf from the book of the American Federation of Labor. Labor's success illustrates the power of collective bargaining. Prior to their organization labor had no place in the economic sun. To-day we see the results of a revolution which has been largely peaceable and evolutionary. Only last week I saw a statement that the building trades of New York City have gone on a 5-day week. They now work 40 hours per week. The farmer continues to work as did his father and grandfather, 14 hours a day, 7 days a week, or approximately 90 hours a week. The mechanic gets $1.25 per hour, and the average farmer, with the work of his family thrown into the scale, gets about $2 per day for a 14-hour day. It is interesting to note that the American Federation of Labor favors giving the American farmer the American markets. Its president, Mr. Green, favors a high-protective tariff on all agricultural products except sugar.

It is my belief that under the stress of modern conditions the farmer must surrender his individualism and join up with the cooperatives. There is plenty of good leadership in their own ranks. This leadership should be selected carefully. Men of vision, with adequate knowledge and a clear understanding of farm problems, should be selected. The demagogue, despite his powers of persuasion, is not in this group. The world is changing, and organization is the keynote of the modern world. This is true of industry, politics, and trade-unions. Agricultural interests have lagged behind world progress in the matter of organization. It is the great weakness in rural life. It is the most important factor in agricultural prosperity. The Dairymen's League, the grange, the Farm Bureau, and other agricultural bodies afford plenty of such leadership. If the farmer will follow such leadership into properly organized cooperatives, his economic problems are solved. Congress can not force them into cooperatives. Properly organized, with the American market protected, and the farm board with its abundant resources functioning properly, the farmer, East and West, will have a place in the economic world on a par with industry.

Assuming these things will come to pass, the outlook for the farmer is bright and promising. This is especially true when we have a man in the White House like Herbert Hoover, one whose leadership is sound and wholesome, whose sympathies are broad, and whose knowledge of the needs and requirements of agriculture is profound.

Mr. DOUGHTON. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. ARNOLD].

Mr. ARNOLD. Mr. Chairman, ladies and gentlemen, I know that a speech made on this pending bill at this time will not have any effect in changing votes on the floor of this House, but I feel that I owe it as a duty to myself and to my people to say a few words in regard to this measure and to give you my reactions after having made somewhat of a careful study of the bill.

This session of Congress was called pursuant to a promise made by Mr. Hoover during the campaign, that if he was elected President of the United States he would at once call a special session of Congress for the purpose of enacting some farm relief legislation and, as part of his scheme for farm relief, revise the tariff in the interest of agriculture. That promise was made during the heat of the last presidential campaign, when the Republican leaders saw the agricultural West slipping from them, and they evidently thought it was necessary to insure the success of the Republican Party at the polls, to make a pledge of that kind.

The election results show the farmers of the country took Mr. Hoover at his word and, relying on the promise that adequate farm relief would be speedily enacted and that the tariff would be readjusted in the interest of agriculture, the people of the country commissioned this task to the Republican Party, placed the executive branch of the Government into its hands, and gave it a good, safe working majority in both Houses of our National Congress. We were called here for the avowed purpose of fulfilling that promise. I want to cooperate with the party in power in every way I possibly can in the fulfillment of that pledge and I will do so, in so far as they will permit it to be done. It is imperative for the good of the country that speedy and effective legislation be enacted.

The House has passed a farm bill. I voted for it. At the time I stated on the floor of the House, and I now reiterate, it falls far short of that effective relief both parties in the recent campaign pledged to give agriculture. We were told it must be in that form to meet Executive approval, and while I disagreed as to its effectiveness, I wanted to throw no obstacles in the way. It was a start, and a start is better than nothing, especially in view of the fact that we were powerless to enact legislation giving that effective measure of relief for agriculture both parties promised the farmers of the country in the last campaign.

We now have before us a tariff bill as the second step proposed by the President in aid of agriculture. I am in full accord with the statement that the tariff should be readjusted in the interest of agriculture. The question before us to determine is, Does this bill meet the test of the President's promise of revision of the tariff in the interest of agriculture?

It is impossible in the short time available for a discussion of the bill to go into details or discuss the bill in other than a general way. Unfortunately this bill does not meet the test. It is entirely out of line with that character of revision we were called here to consider. It is not a farm tariff bill. Far from it. It only adds to the difficulties confronting agriculture at present. It is indefensible so far as the agricultural interests are concerned. It is a piece of legislation prompted by the interests that have heretofore been the chief beneficiaries of special privilege through tariff legislation and for their special benefit. It places them in a more advantageous position in the economic world and the farmers of the country in a worse position than that which they now occupy. Its net result to the farmer will be increased prices for practically everything he has to buy without corresponding benefits in the way of increased prices for the things he has to sell.

It is not a revision of the tariff in the interest of agriculture but a revision of the tariff in the interest of the manufacturers. Occasionally you will find some rates that will be of some benefit to some growers in some sections. The net results to agriculture generally are decidedly detrimental. It is net results that count. It is no advantage to a farmer if in gaining one dollar it costs him ten. [Applause.]

I was somewhat amused at the statement made by my good friend from Illinois [Mr. DENISON] on this floor just a few moments ago, in which he undertook to defend this tariff revision as a revision in the interest of agriculture. He laid down as a premise the vast amount of importations of agricultural commodities which he says are coming into this country, and deduced therefrom and stated the effect of the tariff provisions in this bill will be to free the American producers of agricultural commodities from competition from abroad; therefore he says the farmers will be benefited. Now, gentlemen, he stated, I think, something like $1,200,000,000 worth of agricultural products were imported annually. A truth half spoken may become very, very misleading.

I asked my good friend when he was on the floor to tell us what those importations consisted of, that were coming into competition with the American farm products, and he said that he could not do it except to give the lump-sum amount. Most of you know that the great bulk of agricultural importations into

this country which make up that vast amount that he mentioned are not competing products. The great bulk of the agricultural importations into this country consist of tea, coffee, spices, rubber, silk, tobacco, nuts, certain drugs, and various other commodities, such as fruits, bananas, fresh vegetables, and products of that kind; some which our farmers produce very little of, and many of which are not produced at all in this country and do not come into competition with our major crops.

Now, gentlemen, I thought that we had reached the stage in the discussion of farm relief and tariff revision where everybody was practically agreed upon the proposition that the tariff does not benefit the producer of commodities of which we produce a surplus. We heard the cry, away back there in 1920, when the agricultural depression had set in, when agriculture was on the toboggan and going down, down, down every day, every week, and every month, every year; we heard then the cry from our Republican friends that what was needed to restore agriculture was a protective tariff. The reins of Government were handed over to our Republican friends, and they at once proceeded to write upon the statute book the emergency tariff law.

But that did not stop the decline. Agricultural values and products kept moving downward and downward. Then we were told that it was not enough, that something more should be done by way of increasing the tariff duties on our agricultural products; and with that in view the present Fordney-McCumber tariff bill was enacted in 1922.

But did that stop the flood? No. Conditions in the agricultural sections of the country continued to grow worse, and they had reached such a stage that there was demoralization throughout the whole agricultural section of the country. In 1920 and again in 1925 the Department of Commerce, whose head was then Mr. Hoover as Secretary, caused a survey to be made of the wealth of the Nation; and from 1920 to 1925 the reports put out by the Department of Commerce showed that the agricultural wealth of this Nation during that time had decreased $30,000,000,000, and during the same period of time our national wealth had increased $80,000,000,000.

Now, a billion is more than the human mind can grasp. Some idea of its magnitude may be gained when we consider that there has been but little over a billion minutes in all time since the birth of Christ. A billion dollars is a thousand millions. Here we have agricultural wealth declining thirty thousand million dollars in value and during the same time the national wealth of the country increasing eighty thousand million dollars; and during all that time existing protective-tariff rates were in operation.

Now what do you propose to do here? You propose in certain instances to raise tariff rates higher. Gentlemen, let me say this to you: The proof is conclusive from recent history that a protective tariff does not materially benefit agriculture on those products of which we produce a surplus, and it is our surplus crops that are the principal source of the farmer's difficulties to-day. Why do a thing that has been tried and found wanting?

To carry out the President's plan and to do for agriculture what you promised in the last campaign would be done for agriculture there must be a companion measure with tariff revision. But you are unwilling to give us that companion measure. You are unwilling, or your leaders are unwilling, to permit legislation to be written on the statute books which will place agriculture on an equal basis of opportunity with trade and industry. The farmers of the country were promised it in the campaign by both great political parties. The farmers of the country are entitled to it. And if you men who have control of legislation over on this side of the House will give to the agricultural interests of the country a companion measure that will take care of our surpluses and that will have the effect of giving agriculture a distinct American price above the world level, similar to that enjoyed by the manufacturing interests, I will join with you and help you write it on the statute books. [Applause.] But, gentlemen, I do not propose to join with you and help you write a law on the statute books which will work decidedly to the detriment of agriculture. [Applause.]

I was somewhat impressed at the proceedings before the Committee on Ways and Means. I went over to that committee on a few occasions and sat in while they were having hearings on this bill. I was amazed at the selfishness displayed by the witnesses who appeared before that committee. Why, gentlemen, you had something over eleven hundred of them before you and three or four hundred more of them presented briefs, and every one of them who appeared before you was clamoring for special privileges for himself and for the benefit of his own industry and his own products.

Tariff revision in the interest of agriculture necessitates reductions in existing rates on some of the things the farmer has to buy as well as giving him a rate on some commodities he produces to protect him from competition from abroad. Exorbitant rates, amounting practically to embargo rates, on many of the things the farmer must buy for use on the farm and in his home were not reduced, as the farmers had the right to expect from campaign pledges on tariff revision. On the contrary, favored special interests sought higher and more exorbitant rates for their output, which generally was granted. It seems that when tariff revision is to be undertaken by Congress it is considered by the favored interests as a special invitation to demand and exact greater favors. They dictate the rates that go into the making of tariff revision, and as a result rates are revised upward instead of downward. I do not censure these men who appear and demand higher duties on their products. They naturally want all they can get. They feel they are entitled to something in return for liberal campaign contributions, and it is immaterial to them that the consuming public bears the burden by way of increased prices.

These tariff beneficiaries want to occupy the favored position of buying their raw products and food supplies as cheaply as possible, and of selling their output as high as possible. So long as they can buy their raw products and food supplies on a world market basis, and sell their output on an American market basis, artificially raised above the world market by high tariff schedules, they occupy a position of economic advantage that is bound to add to their prosperity. They strenuously object to an equal degree of protection on the raw products they must buy and the food supplies they consume. They full well know that equal protection to all would destroy the special advantages they covet. Equal rights to all alike is equivalent to special privilege to none, the very thing they do not want.

After the hearings were concluded, the Republican members of the Ways and Means Committee went into seclusion to formulate the bill. The Democratic members of the committee were excluded from any participation. When we consider that the States of Massachusetts, New York, Pennsylvania, Rhode Island, New Jersey, and one other State have a majority of the Republican members of the Ways and Means Committee and the Rules Committee, and that a majority controls the action of a committee, and when we further consider the position of these States in the industrial field in this country, do you wonder how the farmers of the West and South come into the picture of a tariff revision?

The Republican members of the Ways and Means Committee determine the rates in the bill and the Republican members of the Rules Committee the manner of considering the bill on the floor of the House, and if any and by whom amendments may be offered and the nature of the amendments. Consideration of rates by the membership of the House is foreclosed, except that as the majority members of these committees are willing you consider.

This present bill in some instances raises the tariff on certain farm products. If duties under the present law did not have the effect of increasing prices above the world level, you might pyramid those rates and yet it would have no effect on the price of such farm commodities. Something like a thousand changes have been made by this bill, all upward with but few exceptions, and the exceptions are wholly immaterial. Less than a hundred apply to agricultural products, and the greater number by far wholly ineffective in aiding the farmer

SUGAR

Sugar is a necessity of life. Everybody uses it. We could not get along without it. It is conservatively estimated that the increased duty on sugar in this bill will cost the consumers of the country from $120,000,000 to $240,000,000 annually, and the American farmer will pay about one-third of that.

The Great Western Sugar Co., which produces about one-half the sugar produced in this country, urged this increase, as they claimed, for the benefit of sugar-beet and sugar-cane growers of the country. The record discloses that the yearly return and appreciation of this company during the 24 years of its existence has averaged 43.43 per cent annually. Why should the sugar users of the country be taxed by way of increased prices for sugar to contribute to such enormous profits? The American Farm Bureau Federation, after a thorough investigation of the tariff on sugar in the existing law, said sugar users of the country paid about $192,000,000 a year more than they otherwise would pay. Why add to this burden by further increasing the rate as this bill does?

IRON AND STEEL

Pig iron, from which iron and steel products are made, used in various forms in building construction and on the farm, in the shop, and in the home, had been raised 50 per cent under the flexible provisions of the present tariff law by President Coolidge about the same time he vetoed the former McNary-

Haugen farm bill. This bill fixes the duty at the advanced rate. A flexible provision is carried in this bill, under which the President can again raise the advanced rate fixed in the bill 50 per cent more. The Steel Trust had reached down into the pockets of the consumers of iron and steel products and taken millions through this special privilege. Many millions more may be filched from the American consumers under this bill for the benefit of the steel interests by this delegation of taxing power.

BUILDING MATERIALS

If there is one industry in America that should be fostered, it is the industry of home building. The home is the corner stone of our great American Nation. Home ownership begets the spirit of congenial, happy family life, produces better citizenship and a more profound and intense love for country and its institutions. Instead of the home builder being protected against exorbitant prices for his building material, the timber magnates are given the protection of higher prices by new and higher tariff rates, which will materially add to the cost of home building.

Shingles, brick, cement, maple and birch lumber and logs, asbestos shingles, and many other building materials heretofore on the free list have been transferred to the protected list and given substantial rates which will materially increase the cost of home building. Cedar posts for fencing the farm for the first time go on the protected list, but great care was taken that the railroad, telegraph, and telephone companies should not be burdened by tariff duties on ties, telegraph and telephone poles, as these are specifically exempted from the operation of tariff duties. Many rates now existing on other building materials were substantially increased, and in no instance, so far as I have been able to find, were building materials relieved from the high rates in existing law.

We might go through the bill and enumerate hundreds of other articles in common use on which new rates were provided or existing rates increased materially, all adding to the costs of these necessities and increasing the ever-mounting cost of living. The interests profiting by these high tariff rates have refused, and do now refuse, to join in placing upon the statute books companion legislation necessary to make the tariff really effective on farm surplus products.

I do not quarrel with business because it is big. We are living in a day of big things. I do, however, most strenuously object to private monopoly, lurking in the shelter of a practically insurmountable tariff wall, mulcting the consuming public through unwarranted high prices to satisfy their own avarice and greed. I like to see them prosper, but not through ill-gotten gains at the expense of other interests equally deserving our solicitude. There is opportunity in this country for a well-rounded prosperity in which all may share. Let us see to it that all are given an equal opportunity; that none are specially favored and none seriously handicapped through unequal and unjust legislation.

It is decidedly to the interest of the farmers of the country to have foreign markets for our surplus crops. Tariff barriers operate to restrict trade with other countries, and in some instances our rates are so high that they are prohibitive of foreign trade. European countries that have been our best customers for our agricultural products in the past, rather than scale our ever-mounting tariff wall with their products have been establishing trade relations with other agricultural nations, and, as a result, we do not have the outlet we otherwise would have. They want to exchange their products for ours. Our high tariffs are restrictive—quite often insurmountable. Naturally, they turn elsewhere, where they are not restricted or barred by tariff barriers. Agriculture, by reason of our surplus, which must be disposed of abroad, is the worst sufferer by this policy of isolation.

Of the whole number that appeared before your committee not a single voice was raised in the interest of the consumers of the country. [Applause.]

Now, gentlemen, if we are to have prosperity in this country, we should have a well-rounded prosperity. I want to see all interests prosper. We are all interested in that, but when you present to us legislation that will increase the disparity between agriculture and industry then I think it is time to call a halt. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GARNER. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. ARNOLD. Now, gentlemen, I want to pursue this line of thought just a little farther. I think the time has come in this great American Nation of ours when the consumers of the country ought to be given some consideration, but by this bill you have not given one of them any consideration.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. ARNOLD. Yes.

Mr. SCHAFER of Wisconsin. Does the gentleman maintain that the dairy interests which ask for a higher tariff on dairy products are selfish interests?

Mr. ARNOLD. I do not mean to say they are any more selfish than other interests. I am aware of the fact that a tariff would help the dairy interests in some sections of the country.

A tariff will help other agricultural interests in this country if it is properly applied and if it is not loaded on the other side so that the balance is against them. I am not so sure but what your little dairymen, who constitute a part of the great body of consumers in this country, will be the losers by this bill rather than the gainers by way of higher prices they will have to pay for the things they must buy.

Mr. SCHAFER of Wisconsin. Will the gentleman yield for another brief question?

Mr. ARNOLD. For a short question; yes.

Mr. SCHAFER of Wisconsin. I do not represent a dairy district but an industrial district. The gentleman must realize that when American workmen are working and not walking the streets, because they have protection against cheap foreign-paid labor, they are in a position to purchase the products of the farmer about whom the Democrats are talking all the time.

Mr. ARNOLD. Who wants to put the workers of the country out on the streets? That is the trouble with some of you Republicans. You frequently misrepresent the Democratic position on the tariff. [Applause.] The gentleman knows that.

Mr. WILLIAMS of Illinois. Will the gentleman yield?

Mr. ARNOLD. I yield to my friend.

Mr. WILLIAMS of Illinois. I do not want to divert the gentleman, because he is making a very fine speech.

Mr. ARNOLD. I thank the gentleman.

Mr. WILLIAMS of Illinois. What is the Democratic position on the tariff?

Mr. ARNOLD. Let me tell you what the Democratic position is, and my good friend WILLIAMS, who lives in southern Illinois, a neighbor of mine, has been in Congress all these many years and yet does not seem to know what the Democratic position is on the tariff. [Applause.]

Mr. WILLIAMS of Illinois. I will confess I do not.

Mr. ARNOLD. I give his constituents credit for sending a man to Congress who knows about those things, and I am sure the gentleman is well informed. [Applause.] Why, Tom, read the Democratic platforms for years back.

Mr. WILLIAMS of Illinois. Up until this year they have been for a low tariff.

Mr. ARNOLD. Read the Democratic platform of the last campaign and you will find that the position of the Democratic Party is for a competitive tariff, a tariff that is based on the difference in the cost of production at home and abroad, with a nonpartisan fact-finding commission to gather facts on which to base action. [Applause.] If you will use that yardstick in tariff revision, you will not have workers out walking the streets; they will be employed at good wages. American capital will be treated fairly and fare well, and the consumers will prosper along with the others.

Mr. MICHENER. Will the gentleman yield?

Mr. ARNOLD. Yes.

Mr. MICHENER. In applying that principle would you apply it to agriculture alone or would you apply it to every industry, including agriculture, where the conditions of which the gentleman has just spoken do not exist?

Mr. ARNOLD. I would apply it to every industry as well as agriculture. I would show no favoritism to agriculture, neither would I show favoritism to the manufacturers of the country who have been so favored during all these years under exorbitant tariffs. That is my position in the matter. [Applause.] I think that is the Democratic position in the matter. Why, gentlemen, the Democratic Party is not a free-trade party, and you know it. You might get by with that kind of talk in some parts where people do not have an opportunity to study those things and know about them, but you can not get by with it in the House of Representatives or with well-informed people anywhere.

Mr. MICHENER. Will the gentleman yield for another short question?

Mr. ARNOLD. For a short question, yes.

Mr. MICHENER. Which philosophy is the philosophy of the Democratic Party, the philosophy advocated by the gentleman from Texas [Mr. GARNER] or the philosophy vouched for by the gentleman from Tennessee [Mr. HULL]?

Mr. ARNOLD. I am not responsible for any man's philosophy. I do not know just exactly how far they would go, but from the expressions I have heard from these men on the floor

of the House and from interviews with them I have seen printed in the public press I would say to the gentleman that both of those gentlemen favor a fair, competitive tariff. Neither of them favors, and neither do I favor, a tariff that shows favoritism to some of the people and that is detrimental to others.

We must have well-balanced prosperity in this country, gentlemen. This is absolutely necessary. What will it gain us as a nation if in some sections we have prosperity and in other sections we have not? Let me say to you, gentlemen, that the great backbone of the American Nation, the stability of the American Nation, is found in the homes and among the people of common means, the common rank and file, the masses of the people, as we sometimes say. [Applause.]

I believe in that old Jeffersonian Democracy of equal rights to all and special privileges to none. [Applause.] And, gentlemen, if you had applied this philosophy in the drafting of this tariff bill, you would find much less favoritism and much more justice in the bill. You would have a bill that would be in the interest of all, from the top to the bottom, and not in the special interest of a favored few.

Republican Members here have sought to embarrass Democrats during this debate by asking them if they favorably replied to the telegram sent out by Chairman Raskob in regard to the tariff speech of Governor Smith at Louisville. I want to say to you, gentlemen, I am one of those who gave my approval to that method of tariff revision, and if we would use that method in revising our tariff, the country would be much better off, prosperity neither sectional nor spotted, but general, and agriculture would not be in the slump it now is and has been in during these recent years. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. TREADWAY. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman and gentlemen of the committee, I was very much interested in listening to the colloquy between the two gentlemen from Illinois as to the attitude of the Democratic Party on the tariff. It seems to me that every time we hear a Democrat speak on the tariff he has his own special views as to what the tariff should be. They may differ anywhere from the kind of tariff advocated by the gentleman from Tennessee [Mr. HULL] to the kind of tariff advocated by the distinguished gentleman from Texas [Mr. GARNER], but all along the line each one presents some new feature as the Democratic attitude.

Let me say that the Republican Party has just one viewpoint, and that is to protect American labor and American industry, not through a competitive tariff but through a tariff that actually protects.

There is nothing new in a tariff bill. The second bill passed by the United States Congress in 1789 and approved by George Washington on July 4, 1789, was a tariff bill, and ever since then different parties as they came along have advocated more or less the same principles, and it was not until about 1824 that Henry Clay in the House of Representatives established once and for all the protective system, then called the American system, which aimed to protect and conserve the home market for the American producer.

For the benefit of both Democrats and Republicans I am taking the liberty of inserting a brief extract from a speech of Henry Clay in favor of a protective tariff delivered in the House of Representatives on March 30, 1824, which has never been improved on and has constituted the Republican tariff doctrine for the past 70 years:

* * * It is most desirable that there should be both a home and foreign market. But, with respect to their relative superiority, I can not entertain a doubt. The home market is first in order and paramount in importance. The object of the bill under consideration is to create this home market and to lay the foundations of a genuine American policy. It is opposed; and it is incumbent upon the partisans of the foreign policy—terms which I shall use without any invidious intent—to demonstrate that the foreign market is an adequate vent for the surplus produce of our labor. First, foreign nations can not, if they would, take our surplus produce. If the source of supply, no matter of what, increases in a greater ratio than the demand for that supply, a glut of the market is inevitable, even if we suppose both to remain perfectly unobstructed. * * *

Ever since then this has been the consistent attitude of the Republican Party and we claim that since Lincoln's administration the prosperity of this Nation has been built up because the Republican Party has hewed to the line to protect American labor and American industry and to conserve the home markets from ruinous competition with the low-paid labor in foreign countries.

Mr. McCORMACK of Massachusetts. Will the gentleman yield there?

Mr. FISH. I yield.

Mr. McCORMACK of Massachusetts. Does the gentleman claim that the Republican Party should have credit for the general condition of unemployment that now exists in the United States?

Mr. FISH. Let me say to the gentleman that the American wage earner is better paid, better housed, better clothed, better employed, and more contented to-day than at any time in the history of our country. [Applause.]

Mr. McCORMACK of Massachusetts. Does the gentleman contend or want us to infer that the general employment conditions to-day in the United States are very satisfactory?

Mr. FISH. I am not attempting to infer but am trying to state as emphatically as I can, without fear of contradiction, that the general situation as far as employment is concerned is highly satisfactory.

No tariff bill has ever been perfect, and no tariff bill will ever be perfect and satisfy all the divergent industrial and commercial interests in the United States. The Ways and Means Committee of this House gave full opportunity to everyone to appear before them, Republican or Democrat, exporter or importer, producer or manufacturer, and let me say to the gentleman who last spoke that any number of representatives of agriculture appeared before the committee and, in a great many instances, their requests were complied with. The proposed increase in the duty on cream from 20 cents to 48 cents a gallon and from 2½ to 5 cents on milk will benefit the dairymen of New York State, which ranks second to Wisconsin in dairy products, and yet the gentleman seems very much alarmed that agriculture was slighted, and ignored in this bill. Such statements are mere political propaganda because the pending tariff bill provides the largest degree of protection to agricultural products of any tariff measure ever presented to Congress, and justly so in accordance with the promises of both parties in the recent presidential campaign. Of course, the gentleman is quite right, however, when he says that this tariff bill does not take care of such crops as wheat, corn, and cotton, of which we have a surplus, and no tariff bill will, because what we aim to do by a tariff bill is to protect our home market, and we can not force other countries to take our surplus, and whenever our surplus is too much, as it is in wheat to-day, the European and foreign markets are unable to absorb it, and this would be the case just the same if our tariff rates were high or low.

That principle was laid down by Henry Clay—the principle of protecting the home market. It is just the reverse of the English attitude. They export 90 per cent and only absorb 10 per cent of their products in their own home market. We consume in this country 90 per cent of our home product and export 10 per cent. The question is simply whether you prefer to conserve the home market and protect American wage earners or let the products of low-paid foreign labor destroy the home market for the American producer.

I want to congratulate the chairman of the Ways and Means Committee for submitting to the House a new tariff bill which was judiciously drawn up after long and careful investigation, and that compares favorably with any former tariff legislation ever presented to Congress. The duties proposed in the Hawley bill are nothing more than necessary adjustments to meet changing conditions, particularly in agriculture, and do not amount to a general revision of the tariff. The main purpose of the bill is to continue the high degree of prosperity in the United States by providing employment for our people and maintaining the high standard of wages and of living conditions throughout the Nation.

And yet I know from my experience in the House of Representatives that this will not be the final form of the tariff bill. I do not take these debates seriously, and I hope no one else does. We know that the bill must go to the Senate, and when it comes back we may not recognize our own child. [Laughter.]

I want to take this opportunity, while speaking on the principles of the protective system and tariff making and on this limited tariff bill, to ask the special consideration of Members of the House to the duty that was placed on brick by the Ways and Means Committee, taking it from the free list and putting on a duty of $1.25 a thousand. There has been an inclination in the House to make an attack on the proposed duties on building material. I want to point out that there is a distinction between other building material and that of brick.

The Hudson River district, together with those portions of New Jersey and Connecticut within a radius of 100 miles from New York City, produce one-fifth of all the common brick made in the United States.

We in New York are faced with a serious situation through the importation in ballast of vast quantities of Belgium brick. Last year 100,000,000 bricks were brought in from Belgium to the port of New York. The pay roll for labor making brick in Belgium is one-quarter of that paid in New York State or another State in the Union, and we will be unable to continue to compete unless we have adequate protection.

One dollar and twenty-five cents a thousand is not sufficient. We hope that by being placed in the dutiable class we will be afforded an opportunity to go before the Tariff Commission and strictly on the merits get further tariff protection.

What I want to call your attention to is the fact that brick is not used very much in farmers' houses. The proposed duty of $1.25 on brick will not increase by one cent the cost of brick a hundred miles west of Albany. It is not ample to adequately protect the brick industry in the vicinity of New York, where we have 10,000 men employed, because Belgian brick is brought to this country practically as ballast for the ships and can be produced at $4 a thousand as against $10 and upward in the United States. If Belgian ships can bring bricks in ballast to New York City, they can bring them to Norfolk, Philadelphia, or New Orleans, or any other seaboard city in the United States and will probably do so unless given adequate protection in this bill.

Furthermore, let me call attention to the fact that this great brick industry in the United States has a thousand factories and $300,000,000 invested in plants and machinery. It also uses a vast amount of coal and oil produced by American labor. I am willing to admit that you would have a good argument against this duty of $1.25 on brick if it raised the cost of brick to any of your constituents in the Middle West or in the farm sections of the country, because it has been proclaimed by the Republicans that this tariff bill was designed primarily to help agriculture. The proposed duty on brick will not affect the price of brick a hundred miles west of Albany, and if it did, you would have good reason for voting against such a duty.

But it is not in the same category as shingles or lumber or possibly cement. I would vote for a duty on cement, although I have none in my district, but there is even a distinction between brick and cement because the farmer does use some cement about his premises, in his barns and silos.

Mr. MANLOVE. Will the gentleman yield?

Mr. FISH. I yield to my friend.

Mr. MANLOVE. These men who are producing brick are eating our vegetables—our strawberries are reaching the New York market to-day.

Mr. FISH. Certainly; and New York will always be a good market for western products. When the issue comes up in the Republican caucus I hope the Republican Members who are opposed to an increase on building material will remember that the increase proposed by the Ways and Means Committee on brick will not affect the price of brick in any of their districts outside of New York, and possibly New Jersey and Connecticut, due to the excessive cost of transportation inland and the impossibility of meeting the keen local competition.

If this competition of Belgian brick is permitted to continue, it will reach each coast city in the United States and jeopardize our entire brick industry.

There is another matter I desire to speak about, and do so reluctantly. A representative of the State Department, a man whom I have known for 20 years and for whom I have a high personal regard, thought it was his duty to go up to Montreal, Canada, some two or three weeks ago and make a speech before the Canadian Club of Montreal, in which he asked for assurances from his audience that Canada would favor the St. Lawrence ship canal project, and in return holding out vague promises that the Congress of the United States would not levy duty on the agricultural products of Canada that compete with the agricultural products of the United States.

I do not want to inject the merits or demerits of the St. Lawrence Canal project into this debate. It has nothing to do with it. But it seems to me that this kind of horse-trading argument coming from our State Department is highly improper, and that is the reason why I am now registering a public protest. The Ways and Means Committee evidently ignored the speech or knew nothing about it, because they proceeded to report out a bill that does levy duties on practically all the agricultural products that come from Canada.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. GARNER. I think the gentleman is unjustly criticizing his friend for making that speech, because that is characteristic of the Republican way of making up a tariff bill. It is a kind of horse-trading transaction, and that is the reason you have not yet gotten together. [Laughter.]

Mr. FISH. I am making the statement simply to have it in the RECORD. I do not propose to follow it up any further. Nor am I seeking an investigation of the State Department. I shall take the time to read into the CONGRESSIONAL RECORD just exactly what this representative of the State Department said so that people who are interested can read it and make up their own minds. I want to be both accurate and fair in my statement because the gentleman who made the remarks is a man for whom I have the utmost respect.

The following is an extract from a speech of Assistant Secretary of State William R. Castle, jr., before the Canadian Club at Montreal, April 29, 1929:

> It is true that the development of the St. Lawrence must take a long time but if it can really be foreseen, the farmers will be more willing to struggle along. This is the reason, and the only reason as I see it, why the two matters, tariffs and better access to foreign markets, are connected. The St. Lawrence development seems to me the better method because it will help the Canadian farmers just as it helps the American. It is cooperation for the benefit of both instead of legislation for the benefit of one group. Certain it is that reasonable assurance of the development of this project will destroy the strongest argument for an increase of the American tariff on Canadian products directly competing with the products of American farms.

Mr. Chairman, if our State Department is going into friendly foreign countries and lead them to believe that it has sufficient influence and power to persuade the Congress of the United States not to levy duties on Canadian products, we are bound to have all kinds of misunderstandings with our friendly neighbors.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. FISH. No; I will not yield because I do not want to get into a discussion of the merits or demerits of the St. Lawrence canal project at this time.

Mr. MAPES. Will the gentleman yield for a question?

Mr. FISH. For one question.

Mr. MAPES. Would the gentleman have the same objection to the speech of his friend if he had favored the New York all-American canal project instead of the St. Lawrence River canal project?

Mr. FISH. Oh, yes; just as much. I think it is a novel and extraordinary method for the State Department to use that kind of propaganda in connection with American tariff legislation. [Applause.]

Mr. GARNER. Mr. Chairman, I yield 20 minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, this bill is to be known as "the tariff act of 1929." Unfortunately many of the people of the country do not fully understand just what a tariff is. A tariff is a duty or a tax levied on imports into our country. It is a tax that the consumer ultimately has to pay, because it is added to the increased cost of the goods which he purchases. Of course, if no merchandise or other products are imported into the country no tax is collected.

ARGUMENTS FAVORING TARIFF REVIEWED

It was once a favorite argument that the foreigners paid the tax, and many people throughout the country were deceived by the ingenious arguments advanced in support of that theory. Of course, no one any longer advances such a theory and we wonder that anyone could ever have been deceived by it.

The next argument is that the tariff is for the benefit of the laboring man, and much stress is laid upon the difference between wages at home and abroad, and this theory is played overtime for the benefit of the manufacturer.

Statistics show that the laboring man gets a very small per cent increase in wages because of the advanced prices and that the manufacturer is by far the greater beneficiary.

The Associated Press, in March, 1929, carried the following statement:

> The Treasury expects the March 15 income-tax returns to show that at least 14,000 persons in the United States are worth a million dollars or more. The figure was arrived at from a study by Joseph S. McCoy, chief actuary.

And in another news item of March 29 the Associated Press carried the following:

> Approximately 300 citizens of the United States paid taxes on incomes of a million dollars and over for the year 1928.

None of these, of course, were of the laboring class. Most of them gained their very great wealth by reason of special-privilege legislation, such as the tariff. In contrast with these enormous incomes the average income of the farmer is $717, and $630 of this is deducted for the living expenses of himself and family, leaving the remainder of $87 for the education of his children, recreation, and other family expenses.

In a recent issue of a Washington paper an assistant librarian insisted that her salary of $1,644 per annum was $47 less than her necessary living expenses. The average wages of clerical and industrial workers in the East is given at $1,415. They

work 8 hours each day. The farmer works on an average of 12 hours each day and his income includes the services of all the members of his family.

The truth is the manufacturer gets the major benefit from special-privilege legislation and reluctantly gives the smallest percentage of the profits wrung from him by the urgent demands of the laboring man assisted by union-labor organizations. This is illustrated by the sugar-beet producers in the Western States. The testimony shows that the cheapest kind of Mexican, Japanese, and Russian labor, and the labor of children, are used in beet cultivation, yet when a raise in tariff is asked the argument is used that it is for the benefit of the laboring man.

It was argued that the tariff does not raise the price to the consumer. All sorts of specious arguments are used and figures juggled in an attempt to deceive the public. The complete answer to this argument is, however, if the tariff does not permit the manufacturer to raise the price of his goods to the consumer, why does he want an increase in tariff duties? No one can satisfactorily answer this question without admitting that it is for the purpose of enabling the manufacturer to advance the price of his goods, and the consumer, of course, means every purchaser of goods upon which there is a tariff duty, and includes the great mass of the people of our country—the farmer, the laboring man, the small business man, the professional man, and, in fact, every citizen of the Nation contributes to the beneficiaries of special-privilege legislation.

I have never cast a partisan vote on a legislative question since I came to Congress. I am not here to fight sham battles, but to render constructive service. In reaching a decision upon any question coming up in Congress for consideration I remind myself that I am representing a congressional district and, in part, a great State, and I ask myself how the solution of this question will affect the people whom I have been privileged to represent, and without thought of party advantage I use my best judgment in casting my vote as I believe it is for the best interests of those whom I represent. [Applause.]

CONGRESS CONVENED TO ENACT FARM RELIEF LEGISLATION

This Congress was convened in extra session for the avowed purpose of enacting farm relief legislation. It was urged that this was to be accomplished through a series of bills. One was to create a farm board to assist the farmer in marketing his crops to enable him to secure a better price, and that bill has passed the House and the Senate and is now in conference. The second method of relief was to be through a "limited revision" of the tariff. Others soften the expression by using the word "readjustment" of the tariff.

This bill proposes the highest rates of any that was ever introduced. If this bill is a "limited revision," it is in the sense that the sky is the limit. [Applause.]

PARTY PLEDGES QUOTED

We heard much during the campaign of how the tariff would benefit the farmers of the country. Glittering generalities were always used. The platforms of both parties, however, favored placing agriculture on an "equality with industry."

The Republican platform said:

> The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industries to insure its prosperity and success.

Mr. Hoover, in his speech of acceptance, in commenting upon the platform, said:

> Its object is to give equality of opportunity to the farmer.

And the Democratic platform contained the following statement:

> Therefore we pledge that in its tariff policy the Democratic Party will insist upon equality of treatment between agriculture and other industries.

In his message to this Congress, President Hoover said:

> I have called this special session of Congress to redeem two pledges given in the last election—farm relief and limited changes in the tariff.

Mark the use of the word "limited."

And, quoting further from the message:

> The general result has been that our agricultural industry has not kept pace in prosperity or standards of living with other lines of industry.

With these platform pledges and declarations of the President I find myself in entire agreement. I favor and would support a well-balanced, moderate tariff bill which would produce revenue and at the same time protect the home market against competition of foreign goods produced by cheap labor. The bill should not be sectional nor discriminatory and the duties should not be prohibitive, amounting to an embargo in the interest of monopolies, and should be so drawn that the lowest duties are imposed on the articles necessary to be purchased by the great mass of the consuming public. [Applause.]

HOW WILL THIS BILL AID THE FARMER?

There are two ways to help the farmer. First, you must either assist him to secure a better price for the products he raises, or second, lower the cost of the necessities he must buy, so as to increase the exchange value or purchasing power of the commodities he produces. This bill does neither, as I will attempt to show.

Now, let us examine this bill with a view of finding out its benefits to the farmer and the small consumer. Everyone concedes that the farmer is depressed. That he has lost in the depreciation of farm lands and in the value of farm products approximately $30,000,000,000 must be conceded. That more farm lands are being sold for taxes than ever before in the history of the country the records verify. No one disputes that business failures and bankruptcies have been very large in the agricultural States, and that the very great number of bank failures in the Middle West are the result of the depressed condition of agriculture.

Everyone recognizes the hazards of the farmer, which includes weather conditions in the spring when he is busy preparing his ground for the planting of crops subsequent droughts, and the appearance of pests and insects of all kinds which either destroy or reduce the crop yield.

Since the debate has opened upon this bill in the House nearly all the time consumed in the argument has been on the increases in the duties on manufactured products, which increases the burden instead of lightening the load of the farmer. In other words, it increases the price of the necessities which the farmer must buy.

TARIFF INEFFECTIVE ON MAJOR AGRICULTURAL CROPS

Let us examine the major agricultural products—wheat, corn, and cotton. Does this bill aid those products? You can not better the farmer's condition by making a gesture of penny protection dropped into one pocket, which is not effective, and at the same time through special-privilege legislation for the manufacturing class, filch from him ten times as much additional for the necessities which he must pay.

The duties you place upon wheat and corn are ineffective because, as to these two crops and as to cotton, we regularly raise an exportable surplus and we are seeking foreign markets for these products, whereas a tariff is a duty or tax imposed upon those products imported into this country.

TARIFF DOES NOT MATERIALLY AFFECT PRICE OF WHEAT

Take wheat as an example: The tariff placed upon wheat in the pending bill is 42 cents per bushel. That is the present tariff rate. It is ineffective to aid the wheat grower. It does not raise the price of wheat. Congress enacted the emergency tariff act of 1921 with a tariff of 30 cents per bushel upon wheat, and it continued to decline. We produced in the calendar year of 1928, 902,749,000 bushels of wheat. We exported in the fiscal year 1928 wheat and flour equivalent to 206,258,610 bushels of wheat. We export annually a large quantity of wheat and wheat products. No tariff is effective on those products where we regularly raise an exportable surplus. That was frankly admitted in the debate on the farm bill in the Senate. The Senators representing the wheat States, almost with one accord, admit that the tariff on wheat is ineffective. That was the reason why they voted for the debenture amendment.

In the calendar year of 1928 we exported to Canada 37,173,442 bushels of wheat and imported 18,847,660 bushels. Of this amount duty was only paid on 200,886 bushels—amounting to only one-fortieth of 1 per cent of the wheat we produced—and the remainder of 18,646,774 bushels was milled in bond and immediately removed from the United States, and therefore did not come in competition with our wheat. This shows that the price of wheat was better in Canada than in our own country. Otherwise the wheat would have been sold in our home market. Canada imposes no tariff on our wheat. If Canada had a tariff it would have destroyed a market in 1928 for 37,173,442 bushels of our wheat.

In times of local shortage this tariff may be effective on wheat along the Canadian border as to certain grades of hard wheat, but it is ineffective to raise the price of wheat generally. Because of transportation charges we do not compete with Canadian wheat in Oklahoma and the interior. Wheat is at present lower on the Chicago market, ranging around $1.03 per bushel, than it has been since 1914. Yet the Tariff Commission raised the duty on wheat from 30 cents to 42 cents, and that remains the duty carried in the pending bill.

In my judgment, to recapitulate, there are five unanswerable arguments why a tariff on wheat, or any other agricultural products of which we regularly raise an exportable surplus, is of no benefit to the farmer.

First. The surplus controls the price and that is governed by the world market. If the Liverpool price determines the price at home, it makes little difference whether Canadian wheat is shipped direct to Liverpool or through the United States.

Second. A duty of 30 cents per bushel was imposed by the emergency tariff act of 1921 and later increased to 42 cents, and the price of wheat continued to decline.

Third. In 1928 we exported twice as much wheat to Canada as we imported.

Fourth. If the advocates of a duty are sincere in the belief that a tariff will aid wheat in its depressed condition, why do not they increase the duty on wheat?

Fifth. Why do practically all Senators from the wheat-growing States of the Middle West and Northwest favor the debenture plan which would insure them only 21 cents per bushel, or 50 per cent of the duty of 42 cents per bushel on wheat, if the tariff is effective to give them the benefit of the full duty?

There is no economist in the country whose opinion is worthy to be quoted who holds that a tariff is effective on those agricultural products of which we regularly raise an exportable surplus.

Mr. CAMPBELL of Iowa. Mr. Chairman, will the gentleman yield there for one question?

Mr. HASTINGS. Yes.

Mr. CAMPBELL of Iowa. I understand the American Farm Bureau has made a close study of the subject of corn. How does it come that their officials, including one Democratic member, asked for an increase of the tariff on corn if it was not needed?

Mr. HASTINGS. You already have a duty of 15 cents on corn. The producers of corn have been terribly depressed in the last few years. Anyone who believes that that duty would be of the least benefit whatever on corn is mistaken, because we are seeking a foreign market and are importing only 565,228 bushels, according to the report of the Department of Commerce.

DUTY ON CORN IDLE GESTURE

This bill raises the duty on corn from 15 cents to 25 cents per bushel. Surely the corn producer is not going to be deceived by this gesture. Everyone knows that if this duty were raised to 50 cents per bushel it would be of no practical benefit to the corn producer. We exported in the calendar year of 1928, according to report of Department of Commerce, 25,798,949 bushels of corn and only imported 565,228 bushels. We produced in the calendar year of 1928, 2,839,959,000 bushels of corn, and the imports of corn therefore were only one-fiftieth of 1 per cent of the corn produced, and if all of it were excluded it would not affect the price of corn.

The truth is I do not see how anyone can be bold enough to attempt to argue to the farmers of the country that an increased duty of 10 cents per bushel on corn will enable the corn producer to secure more for his product. If it would, why not increase it to 50 cents per bushel, because the corn farmers of the Middle West have been suffering from the depression common to the other agricultural products. The Tariff Commission could at any time have raised the duty 50 per cent with the approval of the President.

Anyone who argues to the contrary, I respectfully submit, qualifies himself for admission to a mental clinic.

FOREIGN MARKET NECESSARY FOR COTTON

Now, let us take cotton. We exported in 1927, 9,478,000 bales of cotton. In 1928 we produced 14,296,549 bales and exported 8,546,419 bales. No duty is carried in the pending bill as reported on cotton. Prior to 1922 there was a duty on long-staple cotton or sea-island cotton. Very little of this kind of cotton is grown in this country and none whatever of this staple in my State of Oklahoma. Of course, a tariff on the ordinary cotton, such as we grow in Oklahoma, could not be of any possible benefit in securing a better price for cotton when we regularly export from 60 per cent to 70 per cent of the cotton grown in this country.

We import little if any cotton that comes in competition with the ordinary cotton grown in this country. All of the cotton imported is a special long-staple cotton used principally in the automobile industry, in tire fabrics, and for the making of thread. Every farmer knows that the price of cotton is governed by the price at New Orleans and New York and that price is governed by the quotations from Liverpool. The cotton producer is seeking a better foreign market for his product, but he knows that an import duty on cotton of 50 cents per pound would be of no benefit whatever. If, however, there should happen to be a shortage in the crops of either wheat, corn, or cotton, and the price of either should advance, then you would hear vociferous claims resounding from every political platform that it was because of the duty, but if the crop productions are normal or the price continued depressed or declined, as it did after the emergency tariff act of 1921, you would hear nothing about the effectiveness of the tariff duty.

It is no wonder then that those who talk of benefiting the farmer through tariff "readjustments" use general terms and do not discuss the major crops of corn, wheat, and cotton.

COST OF LIVING RAISED

Time, of course, will not admit of anything like a general analysis of this bill. This bill raises the cost of living to the consumer without giving him any of the compensating benefits.

DUTY ON SUGAR ADVANCED TO 3 CENTS

Now, let us take sugar as an example. In 1924 the Republican Tariff Commission recommended a reduction of the tariff duty on sugar from 1.76 to 1.50 cents per pound. The election was pending and the President, in order not to offend the public, withheld action on the recommendation of his own commission until after the election and then declined to follow the recommendation and refused to lower the duty on sugar.

This bill increases the duty from 2 cents to 3 cents per pound on sugar and to that extent places an additional burden upon the breakfast table of every family in America. There is a differential of 20 per cent in favor of Cuban sugar, making the rate on Cuban sugar 2.40 cents per pound. We use approximately 12,000,000,000 pounds of sugar each year and import the most of this. The average amount consumed annually by each person is 109 pounds. This bill makes an ineffective gesture to appease the wheat and corn producers, which is of no benefit to them, and at the same time exacts an additional contribution for the benefit of the Sugar Trust from every consumer in the country. [Applause.]

Now, upon this question, I ask myself how would the people whom I have the honor to represent have me vote? I do not believe 1 per cent of the people of my district in Oklahoma would favor this increased tariff duty on sugar.

DUTY ON SHINGLES 25 PER CENT

Let us take another example—shingles. This bill places an additional duty of 25 per cent on shingles for the benefit of the Lumber Trust. But few houses and barns are now being built in this country. The cost of lumber is almost prohibitive. You make the idle gesture of helping the farmer, which, as I have attempted to show, is ineffective, and you increase his burden every time he buys a bunch of shingles to cover or repair the roof which shelters himself and his family. Surely the people of the country will in time analyze the additional burdens in this bill and will appreciate that no compensating benefits are given to them, and will denounce it because it is not farm relief legislation, but is enacted for the benefit of the industrialists of the East. [Applause.]

DUTY ON PIG IRON FAVORS STEEL TRUST

As another illustration, take pig iron. The present duty is retained in the bill. In 1928, upon the recommendation of the Tariff Commission, the President raised the tariff on pig iron 50 per cent. This increased the burden of the farmers who use wagons, cultivators, plows, and all kinds of farming implements in which iron or steel is used. You seldom see a new wagon now. It sells for twice as much as it did in 1914. The same is true of cultivators, rakes, plows, and all other farm implements.

It is frequently urged that farm implements are on the free list, but the farmers are not told of the very high and excessive rates placed on pig iron and other materials which go to make the farming implements which he must purchase.

Let me repeat, that an idle gesture is made to deceive the farmer with a duty on corn and wheat, which is ineffective, in order to place an additional burden upon him for the necessities which he must buy.

BRICK AND CEMENT PROTECTED

Let us examine the brick and cement schedules; both have heretofore been on the free list A duty of $1.25 per thousand is placed upon imported brick and 30 cents per barrel on cement. Both are in common use. Brick is in general demand about the farm in the building of chimneys and flues and other uses. Cement is a necessity for road and bridge building, and there is hardly a farm throughout the entire country that does not find use for cement for foundations, sidewalks, silos, cellars, and innumerable other things. A duty on neither of these necessities can be justified. Neither is in the interest of the farmer.

DUTY ON WOOL EXCESSIVE

Take wool for another example. The duty carried in this bill is increased and exceptionally high, for the benefit of the woolgrower, and as a result the consumer—the farmer, laborer, and every wearer of woolen goods—must pay an additional price for the clothing which he and the members of his family wear.

Next turn to the rayon schedule. This is commonly known as artificial silk and is used in the manufacture of clothing and articles of wearing apparel of every description, handker-

chiefs, gloves, hose, underwear, and innumerable other articles purchased and in common use by those who can not afford to buy the higher-priced articles made of silk, and this is taxed from 45 per cent to 65 per cent ad valorem and as a consequence imposes a heavy financial burden upon the consuming public.

SHOE SCHEDULE

Let us next examine the shoe schedule. Shoes heretofore have been upon the free list. Everyone knows that shoes now cost the consumers approximately twice as much as they sold for during the pre-war days. Shoes are a necessity and must be bought and worn by every man, woman, and child in the country. A duty or tax varying from 20 per cent to 35 per cent ad valorem on boots, shoes, or other footwear is imposed.

All leather used for the making of saddles and harness, and various other articles in general use, including a 20 per cent tax on leather used in the manufacture of footballs and basket balls, is included in the bill.

The same argument could be used on practically all of the necessities which the consuming public use.

I have cited only a few cases for the purpose of illustrating my argument. The reported bill consists of 434 printed pages. There are literally thousands of items protected by an excessive duty which compel the consumer to pay tribute to the industrialists of the East. It is to be considered in the House under a special rule which will not permit amendments to be offered to correct these abuses. If the law required a stamp or tag to be placed upon each article sold indicating the increased cost to the consumer of each article purchased, because of the tariff duty, it would so arouse the masses as to result in a political revolution that would drive the advocates of special privilege from power. As it is, the people are not aware of the additional amount they pay because of this special-privilege legislation.

The investigation of the Pennsylvania election in 1926 disclosed that Joseph Grundy, president of the Manufacturers Association, had collected from his associates and contributed $300,000 to the campaign fund in that State. This was an investment and it was expected to be fully returned to the beneficiaries who contributed through special-privilege legislation such as is reported in this bill.

No compensating benefits are given the farmers by this bill. The tariff duties are only gestures and are placed upon products of which we are raising an exportable surplus and for which we are forced to find a foreign market. The farmer must sell his products in an open market, whereas he buys in a highly protected market, which is nothing more than special-privilege legislation for the benefit of the few. [Applause.]

FOREIGN MARKET NECESSARY FOR OUR SURPLUS PRODUCTS

In order to have a foreign market for the surplus farm products we must exchange our products for those manufactured and produced in other countries.

Our total imports for the year 1928 amounted to $4,091,120,000 and our total exports were $5,129,809,000.

This is well illustrated in our trade with Canada for the year 1928. Our imports from Canada were $498,999,000 and our exports for 1928 were $916,156,000.

If prohibitive tariff rates are placed upon the things we manufacture, which practically amount to an embargo, foreign trade will be diverted elsewhere and our foreign market for agricultural products will be measurably lessened and endangered.

You heard much said during the campaign about the wonderful prosperity of the country and of the enormous profits being made, and this is reflected in the income-tax reports where individual income taxes of $882,727,113.64 and corporation income taxes of $1,291,845,289.64 were reported for the year 1928, or a total amount of $2,174,543,102.89.

Contrast these same beneficiaries of special-privilege legislation appearing before the Ways and Means Committee, and with crocodile tears pleading for higher rates, urging upon members of the committee and Congress that their companies are on the verge of bankruptcy.

I wonder where all those 14,000 millionaires, reported by the Associated Press, were during these hearings?

That is what is the matter with the people in the great Middle West. They pay tribute to the industrialists of the East through special-privilege legislation.

The exchange value of the farmer's dollar is reported to be worth 60.3 cents. In other words, he lost 39.7 cents to the industrialists of the East through the exactions of special-privilege legislation. The farmer gets no compensating benefits.

The duties collected because of the tariff last year amounted to $565,501,000. All of this was passed on to the consumers by adding it to the price of the goods, plus an additional per cent profit on the investment.

Nearly all tariff rates are raised in the pending bill. Heavier burdens are to be imposed upon the consumer. Tariff duties in favor of the manufacturer are effective. A tariff wall to the extent of the duty is raised. But that is not all. Some of these tariff rates are prohibitive and amount to an embargo against the importation of foreign goods. That done, the comparatively few concerns manufacturing any particular commodity, through mutual understandings in conventions and conferences, advance the price not only to the extent of the tariff but as much higher as the consumer can be induced to pay.

There are engaged in the manufacture of steel only 20 concerns. Straw hats are manufactured by 19 companies. Only one company produces aluminum. The same is measurably true of practically all domestic companies and corporations manufacturing any particular commodity in the United States.

We impose a tariff duty on every article worn by the baby in the cradle, including dolls and toys, follow it every step through life, and finally to its last resting place, and impose a duty on the tombstone that marks the grave.

It would require a prodigy in memory to retain the thousands of items protected by a duty in this bill and the rates on each.

With foreign competition excluded it is much easier for domestic companies and corporations to divide territory and come to understandings with reference to the production, distribution, and prices of their commodities. As a result these companies, protected by high tariff rates, are in a highly prosperous condition through tribute collected by special-privilege legislation from the consuming public.

It is urged, however, that the compensating benefits he receives are that as the industrialists of the East are made more prosperous a better and broader market is afforded for the things which the farmers of the great Middle West and South produce.

Well might the argument be made that if legislation were enacted which would be of compensating benefit to the farmer, that a better market would be created among those who live in the agricultural sections of the country for the manufactured products which the industrialists produce. I have no confidence in the soundness of the argument advanced that in order to make one more prosperous you should tax him more through tariff legislation which would compel him to pay more for the necessities which he and the members of his family must buy. [Applause.]

ONLY REPRESENTATIVES OF SELFISH INTERESTS HEARD

The chairman of the Committee on Ways and Means [Mr. HAWLEY] stated the theory upon which this bill was constructed. He said:

> Whenever we found that people operating under any paragraph or item on both sides—that is, both the American and the foreign competitors—found no complaint, it was held as evidence that particular paragraph or item was serving its purpose.

That statement admits the charge that the great consuming public was not represented in the hearings before the committee.

If the manufacturers and the importers agreed, the duty on any particular paragraph or item was not disturbed.

It was the duty of the committee to represent the consuming public and not permit the manufacturer and the importer to agree on special-privilege legislation. You may search every paragraph of the bill and you will find that the public, the interests of the plain people of the country, were not represented before the committee in the drafting of this bill.

THE TARIFF COMMISSION

We appropriated for the fiscal year of 1930 the sum of $789,000 for the Tariff Commission. This commission was created a number of years ago, with six members, and was established for the purpose of removing the tariff question from partisan politics.

The country hoped that men of very high character and of outstanding ability and independent thought would be placed upon the commission and that the findings of the commission would be of such a character as to commend them to the thoughtful people of the country.

The flexible provision of the tariff act authorized the President, upon the recommendation of the commission, to raise or lower the duty on any article by 50 per cent.

This commission investigated the duty on sugar. In 1924 pressure was brought to influence the commission's action. One of the members of the commission refused to disqualify and insisted upon voting on the sugar schedule notwithstanding that a member of his family was directly interested. Another Republican member, who favored a reduction in the tariff duty on sugar, was given a diplomatic appointment to Rumania, and finally a postponement of its report was urged upon the commission, and when it was finally made action upon it by the President was withheld until after the 1924 election.

The truth is that this commission has been made a political football. The country has no confidence in its freedom of action nor in the independence of its decisions. The tariff is a political question and every member of the commission reflects his partisan views. It has reduced the duty on mill feed, phenol, paint-brush handles, and bob-white quail. In all other cases where recommendations have been made the duty has been increased.

The tariff on pig iron was increased 50 per cent by the President in 1928 upon the recommendation of the commission, though the United States Steel Corporation declared a 40 per cent stock dividend in addition to the regular quarterly dividend and placed a comfortable sum to its surplus.

For these reasons I do not favor the Tariff Commission, and if given an opportunity I would vote to abolish it. [Applause.]

It is the commission before whom the special-privilege class may appear and present arguments for an advance of rates, which will increase the burden upon the people of the country, with no one to speak for the great mass of the people, just as was the case before the Committee on Ways and Means in the preparation of this bill.

TARIFF ON OIL PRESENTED

I do not favor the delegation of this power to a commission. The Constitution (Art. I, sec. 8) places the responsibility upon Congress "to lay and collect duties, imposts, and excises." The Congress is the body directly responsible to the people.

This is not a "limited" revision of the tariff, as recommended by the President. He unquestionably intended a revision of those schedules in favor of depressed agriculture. This bill is a general revision upward of the tariff. The increased rates are higher than in any bill ever heretofore proposed. It will not aid the farmer.

As I have shown, the tariff as to the major crops of corn and wheat, with no duty on cotton, is ineffective. It will increase the cost of manufactured articles the consumers must buy and still further lower the exchange value of the farmer's dollar. It is inconceivable that the great mass of the consuming public, particularly those throughout the Middle West and South, including my own State of Oklahoma, can longer be deceived that the imposition of heavier tax burdens upon them in the interest of the industrialists of the East can be for their benefit. [Applause.]

This bill is considered under a special drastic rule which sets aside the general rules of the House and in effect denies the right of any member, except members of the Ways and Means Committee, to offer an amendment to this 434-page bill. Every Member of the House who voted for the rule voluntarily voted to deny himself that privilege.

In my candid judgment if the citizenship of Oklahoma had the opportunity, each for himself, free from partisanship, to carefully study and analyze the provisions of this bill increasing, as it does, the burdens upon the great mass of the consuming public, in favor of the industrialists of the East, it would not meet with the approval of 1 per cent of the splendid citizens of my State. [Applause.]

The theory upon which this tariff bill is sought to be justified is to protect the home market against the free importation of products or goods produced by cheap labor and material in foreign countries. This argument is presented in the report of the committee and is advanced by every member of the committee of the majority party responsible for framing this bill. It is urged that it is sought to equalize living conditions between the low-wage earners abroad and those demanding a higher standard of living in our own country. Then we should not discriminate against any home industry. With this formula presented by the committee and this yardstick used for measurement we are entitled to present an argument for a tariff on oil.

COAL INDUSTRY AFFECTED

Oil is the principal industry in a number of the States and is produced in 19 States. All other States producing coal, with which fuel oil comes in competition, are equally interested with the oil-producing States in a tariff duty to prevent the free importation of cheap oil into this country.

FARMERS BENEFIT BY OIL DEVELOPMENT

A tariff on oil is closely associated with relief legislation for the farmer, because the records show that there are about 330,000 oil wells in the United States, and every farmer and every landowner is interested in the oil industry, as well as the approximately 100,000 or more wage earners throughout the country employed by this industry.

My State of Oklahoma is very deeply interested in the production of oil. The total production of oil in the United States for the year 1928 aggregated 900,364,000 barrels. There were imported into this country 79,766,672 barrels, principally from Venezuela, Mexico, Colombia, and Peru.

The oil industry has been very greatly depressed during the past few years. The present price of oil in Oklahoma ranges from 60 cents per barrel for low gravity oil to $1.44 per barrel, making an average price of approximately $1.32 per barrel. In 1925 the price ranged from $1.35 per barrel for the low gravity to $2.35 per barrel, or an average price of $1.85 per barrel.

DIFFICULTIES OF CURTAILMENT OF PRODUCTION

Every effort has been made to relieve the depression in the oil industry. Acting under the auspices of the American Petroleum Institute, an association composed of oil producers, an effort has been made to curtail the production of oil to stabilize the price and prevent a further serious slump in the industry. Recognizing the depressed condition of the industry the President appointed four members of his Cabinet upon the Federal Oil Conservation Board, and the American Petroleum Institute has been cooperating with this board in an effort to find a method to prevent a further decline in the price of oil.

This board has not been able to cooperate in the curtailment of production because of an opinion by the Attorney General of the United States to the effect that it had no authority to act in the premises, and for the further reason that it would be necessary to have State legislation in those States producing the larger quantities of oil, and in addition would need the cooperation of foreign countries producing oil.

Another difficulty in securing an agreement for curtailment is found in the fact that there are 330,000 producing oil wells in the United States and the terms of lease agreements vary, many of them made years ago require continued operation and further development of leased areas.

There is always a deterioration in the curtailment or closing down of oil or gas producing wells, and this is particularly true as to the wells owned by the small producers. More than one-half of the oil produced is from the 327,000 wells of an average daily production of 4.7 barrels.

On March 12, 1929, a statement was issued from the White House that no further leases for oil would be made upon public lands and Secretary of the Interior Wilbur instructed all local land offices, through the Commissioner of the General Land Office, to receive no further applications for permits to prospect for oil and gas on the public domain and to reject all applications now pending.

Congress recognized the depressed condition of the oil industry by the act of Congress of March 2, 1929, which reduced the acreage of Osage Indian lands annually required to be offered for lease for oil from 100,000 to 25,000 acres.

With an adequate tariff on oil of $1 per barrel it would protect the industry against the importation of 79,766,672 barrels imported into this country and would prevent further price declines.

The oil imported into this country comes principally from Venezuela, Mexico, Colombia, and Peru, and is produced by cheap labor and by the use of material imported from countries not protected by tariff duties, particularly with reference to steel which is imported from Germany.

Using the argument that a duty should be imposed upon those things produced by cheap labor, imports that come in competition with the goods produced in our own country by labor receiving higher wages, surely oil is entitled to come within that class.

TARIFF WILL BENEFIT SMALL INDEPENDENT PRODUCERS AND WOULD SAVE SMALL WELLS FROM ABANDONMENT

Of the 330,000 oil wells in the United States it is conservatively estimated that 327,000 of these produce on an average only 4.7 barrels per day. These figures therefore show the necessity for protection for the very large number of small producers throughout the United States, and of the interest which the farmer has in the land producing oil and gas.

Not only are the producers and the landowners interested in the oil industry but the people generally, not only in my own State of Oklahoma but for that matter throughout the country are vitally interested.

BENEFIT TO TAXPAYERS

Oklahoma has a gross production tax of 3 per cent of the value of oil produced in that State. In 1927 the tax collected by the State amounted to $12,102,426. In 1928 the amount collected was reduced to $10,268,787. The reduction in the amount of tax collected necessitated economies in expenditures by the State of Oklahoma, including the elimination of the contribution by the State to weak schools and measurably increased the taxes on all of the citizens of the State. What is true in Oklahoma is also true in the other oil-producing States.

Now, let us examine the relation of oil to coal: The cheap oil imported is largely used for fuel-oil purposes and comes in competition with the coal produced in this country. Four barrels of fuel oil are equal to a ton of coal.

The Association of Independent Oil Producers in Oklahoma have made a very careful study of the cost of production abroad as compared with that in our own country, and have urged in some resolutions that a duty of $1 per barrel should be imposed on oil imported into this country. I submitted these resolutions to the Ways and Means Committee and invited attention to the facts collected and the statements made in the preamble of the resolutions, and I am appending them to my remarks. I invite the attention of the Members of the House to the conservative and carefully guarded statements made in the resolutions.

NO DANGER OF EXHAUSTION OF OIL SUPPLY

Answering the argument that is frequently advanced that it is necessary to import oil to conserve the oil supply in the United States, the United States Geological Survey in 1921 made an estimate of a total reserve of oil of 9,150,000,000 barrels. Since then new areas underlaid with oil-producing sand have been discovered and developed. In addition, millions of tons of oil-bearing shales located in the Western States have been discovered which may furnish billions of barrels of gasoline awaiting the proper refining process and better prices.

In an article discussing the New Oil Policy in the May number of Nation's Business, George Otis Smith, Director of the United States Geological Survey, and former president of the American Institute of Mining and Metallurgical Engineers, in estimating the natural resources with reference to our western lands, said:

> The natural resources of these lands are estimated by the Interior Department to include 30,000,000 acres of coal lands containing more than 200,000,000,000 tons of coal; half a million acres of phosphate land that can supply 8,000,000,000 tons of this essential fertilizer as its needs on American farms are better realized; undetermined acreage of potash deposits; 65 developed oil and gas fields with an annual production of 33,000,000 barrels of oil; and 4,000,000 acres of oil shale from which possibly 60,000,000,000 barrels of oil can be extracted when prices warrant the higher cost.

There is no question but what substitutes will be found for gasoline in the near future. Within the last few weeks successful formulas for manufacturing synthetic gasoline have been discovered.

Mr. J. Edgar Pew, formerly president of the American Petroleum Institute, now president of the Sun Oil Co., said:

> The oil industry, in the opinion of many, has more to fear in the future from competition either of by-products from substitutes or by the use of other sources of power not yet developed, than it has from the exhaustion of the oil supply.

Mr. J. E. Eaton, a consulting geologist of national reputation, said:

> Recent progress in geology and chemistry has shown our available supplies of oil are rapidly increasing, rather than decreasing, as the result of progress in the sciences, and most technicians have not stopped predicting the untimely exhaustion of oil.

Those who have made a careful study of the situation are not in sympathy with the fears of an exhaustion of the oil supply in our country.

PRICE OF GASOLINE ARTIFICIALLY CONTROLLED

It has been suggested by some that the imposition of a duty on oil of $1 per barrel would raise the price of gasoline.

The fact is that the imported oil is of small gasoline content, and the amount imported in 1928 only refined 7,700,000 barrels of gasoline, being only 2 per cent of the amount produced in the United States for 1928, which is too small to affect the general price of gasoline throughout the country.

The gasoline content varies with the gravity of the oil from 12½ per cent of the lower gravity to around 43 per cent of the highest gravity.

A study of gasoline prices for the past few years shows that the price of gasoline is artificially controlled and that the price to the public was practically the same four years ago, when the price of oil was much higher. In 1926 gasoline was 21 cents per gallon when the imports of oil were negligible.

The price of oil in Oklahoma runs from 60 cents per barrel to $1.44 per barrel. In Pennsylvania it runs from $3.85 to $4.10 per barrel, but there is no material difference in the price of gasoline; and the same is true of the near-by trade territories.

According to the Oil and Gas Journal of Thursday, April 11, 1929, the tank-wagon price of gasoline at Baltimore, the port of entry for much foreign oil, was 16 cents per gallon, including 2 cents State tax. In Pennsylvania and other points through which crude petroleum is not imported the price ranges from 14 to 19 cents per gallon, as against 16 cents at Baltimore.

The same is true of the other ports of entry for imported gasoline. There is no material change in the tank-wagon price. There is not much difference now in the price to the consumer, than in 1926.

The last records show that there are approximately 485,000,000 barrels of oil in storage, which shows an increase in the amount in storage since January 1, 1929.

The production in Venezuela increased 67.9 per cent in 1928 over 1927, and the importation of oil, according to the Alexander Hamilton Institute, is increasing, and the amount estimated to be imported for 1929 is 100,000,000 barrels.

It costs the Mid-Continent oil producers in Oklahoma 96 cents per barrel to pipe crude oil from Oklahoma to the refinery at Bayonne, N. J. It is reported that this approximates the amount that imported oil is sold for which is produced in Venezuela, Mexico, and Colombia, and therefore it is urged that $1 per barrel would be a reasonable protection for the oil industry in the United States against that produced by cheap labor and material in foreign countries.

AN ISSUE IN 1928 CAMPAIGN

Representing the administration, Senator Curtis, then the nominee of his party for Vice President during the campaign last year, committed the administration to a policy of protection on oil. On September 27, 1928, Senator Curtis, in Oklahoma, advocated a tariff in the following language, as shown by the following published quotation from his speech:

> Our Democratic friends favor a competitive tariff. That will not help a single farmer in this country, not a workingman in this country, not a single oil producer, not a manufacturer of goods. The Republicans are opposed to a competitive tariff and favor a protective tariff.
>
> In the last two revenue bills I proposed a duty on oil. You, in Oklahoma, I see, have requested the limitation of oil production. I took a market report and found that last year we imported 77,000,000 barrels of oil into this country. I suggest that we shut out those 77,000,000 barrels, and you would not have to shut down production here.

We are only urging now that this campaign pledge be kept, and we insist that the oil industry is entitled to this protection, and we hope that before the final passage of this bill that this industry will be suitably recognized and the modest tariff duty of $1 per barrel be imposed upon the oil imported into this country. [Applause.]

Mr. Chairman, I want to present a copy of the resolutions referred to in my remarks passed by the directors of the Independent Oil and Gas Association, of Oklahoma, at a meeting held at Okmulgee, Okla., February 14, 1929. The directors of this association are familiar with every detail of the oil industry. They have been engaged in the oil business for years and have made a success. They are men of high character and sound judgment, and their findings and recommendations merit and, I am sure, will receive the careful study of every Member of Congress. Oil is one of the leading industries of my State and of the Nation, and I am interested in giving my best thought and attention to it. The facts are fully set forth in the resolution. It is urged that a tariff of not less than $1 per barrel be imposed on crude oil imported into this country. I want to submit these resolutions for the earnest consideration of the Congress.

The resolutions are as follows:

> Resolution passed by the board of directors of the Independent Oil Association of Oklahoma at a meeting held at Okmulgee, Okla., February 14, 1929:
>
> "Whereas the American petroleum industry is the greatest industry, the labor and capital of which has been forced to compete with a raw product imported into this country without a protection tariff; and
>
> "Whereas the crude oil brought into the United States without a tariff is produced by means of cheap labor and with steel and other materials which can be secured in foreign countries at a lower price than in the United States because of the tariff provided for the protection of the steel industry and similar industries; and
>
> "Whereas the oil imported is produced in foreign countries close to water transportation and is moved into the United States at transportation rates much lower than the rates paid upon oil produced in the interior of the United States and transported to tidewater refining points by railroads and pipe lines; and
>
> "Whereas the great quantities of crude oil imported into the United States in past years has made it necessary to restrict production and retard development of natural resources, thus curtailing the employment of labor and resulting in much distress among the workers in petroleum districts and destroying home industry; and
>
> "Whereas the restriction and curtailment of oil production in the United States has also affected the commercial situation in many States in the Union, resulting in a restricted market for the produce of American farms in the principal centers of the various petroleum fields where thousands of oil workers are now idle; and

"Whereas at the present time approximately a quarter of a million barrels of crude oil is being imported into this country each day and run through the stills of United States refineries, while a similar or larger amount of oil already developed in the United States is being run to storage or held in the fields under restriction and proration with direct loss to the producer, landowner, and oil worker in restricted and prorated areas; and

"Whereas because of the small gasoline content of the crude oil imported into the United States it is necessary to mix the same with our American high-grade crude oil to obtain the best results, and for this reason there can be no fear of a tariff augmenting the building of refineries in South America and other oil-producing countries and exporting to Europe and other foreign countries in competition with American refineries, as the United States is the largest producer of high-grade crude oil and will always be the leading influence in gasoline and other high volatile oil product exports; and

"Whereas the record for the past years indicates that the price of crude oil, whether it be cheap imported foreign crude or high-gravity oils produced in this country, has little effect on the price of retail gasoline and lubricating oils in the United States; because the price of gasoline is an artificial one, quoted either by agreement or manipulation on the part of the major producing and marketing concerns in the United States, while the retail price of high-grade lubricants remains approximately the same regardless of the crude-oil market; and

"Whereas the reports of the United States Bureau of Mines, Department of Commerce, indicate that under a full-time capacity operation of coal mines in the United States the gross output of coal would be approximately 1,000,000,000 tons per year, but the said reports further indicate, that because of a lax market condition and demand that the mine output for the year 1928 was approximately 570,000,000 tons; this reduction of coal output beginning apparently in the year 1918, the peak of domestic coal output and continuing to the present time, the decline in production being coincident to the increased imports of Mexican and South American fuel oils, resulting for the past year of 1928 alone in the falling off of 20,000,000 tons of coal in comparison with the year 1927; and

"Whereas the crude-oil production of the United States in the year 1928, according to the Department of Commerce, was 900,000,000 barrels, of which 16,000,000 barrels only were run to storage, indicating that if 80,000,000 barrels of imported crude had been shut out by a tariff the United States would have had to draw upon stocks for 64,000,000 barrels of crude in the year 1928 or else produce additional crude to meet the demand, thereby stabilizing the petroleum industry: Now, therefore, be it

"*Resolved*, That the Independent Oil Association of Oklahoma call upon the Congress of the United States to enact legislation imposing a protective tariff of not less than $1 per barrel on crude oil imported into this country to relieve a condition of demoralization, depression, and chaos in the petroleum industry caused by the importation of tariff-free crude oil into the United States; and be it further

"*Resolved*, That copies of this resolution be sent to the President and Vice President of the United States, the President elect and the Vice President elect, members of the Finance Committee of the Senate, members of the Ways and Means Committee of the House, and Members of the congressional delegation of the State of Oklahoma."

INDEPENDENT OIL ASSOCIATION OF OKLAHOMA,
C. I. O'NEILL, *Secretary*.
J. G. LYONS,
J. J. CALLAHAN,
M. C. FRENCH,
R. D. PINE,
T. T. BLAKELY,
Committee.

Mr. HAWLEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 2667, had come to no resolution thereon.

A PRAY DAY FOR FARMERS

Mr. SINCLAIR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short article written by a former Member of the House, Hon. Knud Wefald.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. SINCLAIR. Mr. Speaker, under the leave granted me to extend my remarks in the RECORD, I desire to include an editorial which appeared in Normanden and was written by our former colleague in the House, Hon. Knud Wefald, of Minnesota. Mr. Wefald is now the able editor of Normanden. The editorial A Pray Day for Farmers, was sent to me by Mr. Carl Nelson, editor of the Williams County Farmers Press, Williston, N. Dak., and by him was translated from the Norwegian language.

As the effort to bring about a pay day for farmers seems to have gone glimmering, there is an effort now to set up a pray day for them. A day of national prayer for farmers was proposed by Dr. Charles L. White, of the New York Mission Council, and what is more, President Hoover has given the idea his approval. The first of these "pray days" for farmers was held May 5, but the farmers so far haven't heard much about it. The idea is to hold this pray day for farmers every year on the fifth Sunday after Easter.

Editor Knud Wefald, of Normanden, has written a rather lengthy editorial on this idea, but the article is so crammed full of grim sarcasm, wit, and wisdom that we can't forego the temptation to translate it for the benefit of those of our readers who can not read the Norse language. To quote Mr. Wefald:

"They are going to pray for the farmers, their work, and their mode of life, and Hoover has already added his blessing. There is nothing further needed to prove that the farmers have sunk to a very low state. They are to pray for the farmers as they pray for the heathen; as they pray for those who are in peril on the sea, or for those who are sick and in dire distress.

"Or is it because they fear an uprising of the farmers on account of the wrong they have suffered, so that their wrath may be turned and their revenge will not be too hard? Or have the high dignitaries of the church and others become panicky over the help the Congress will give, and that the farmers will mulct everybody else on every mouthful of food?

"It is not easy to fathom what stands back of this thought to establish a pray day for farmers; there is no other class of society in the land that they pray publicly for. They usually pray only for those whom misfortune has stricken or for those who heed not the dictates of conscience. In days of yore they prayed in the churches of southern lands that God must shield them from the fury of the vikings. But the farmers of America are not dangerous; they keep silent and stand for everything.

"As far as the Lord is concerned, He has been very good toward the farmers. If they have fared badly in this country, it is not His fault. In the most beautiful land on earth He lets them live and work; out in God's grand open air the farmer stands face to face with his Maker far oftener than any other class of people in the land. The farmer never hides himself away from God's face in a stone palace, there to scheme how he may cheat his fellow man.

"God sends His sunbeams out over the prairies each morning to awaken the farmer to a new task; there is nothing in his work that God does not look upon with pleasure; the fruit of his labor fills the hungry mouths of the world.

"Those who would pray for the farmers in great stone churches are perhaps more like strangers to God than are the farmers; God is surely as well acquainted in simple farm houses as he is in the great churches; God surely builds his foundations as deep in the farmer's hut as He does in the mansion of the millionaire; where champagne corks are popping through the cigarette smoke, and where sensuality in its worst form is worshiped; and this God sees, even if the preachers in the great stone churches hold a pray day on Sunday each year for the farmers.

"The idea has resounded through the farm debates in recent years that God has been altogether too good to the farmers; that He has by sending them sun and rain and His richest blessing given them such huge crops that it has brought them to the verge of poverty. The more God does for the farmers, the less they get for their work, but that isn't God's fault. By the grace of God and the farmer's thrift, America has never had a crop failure, has never had to meet up with famine and starvation, which so often has been the lot of other countries.

"It surely can not be God's will that the result of His loving-kindness does not bring the farmers their full reward.

"Just now we have in America 150,000,000 bushels of wheat that must be exported if the price of wheat is not to be utterly ruined for the farmers next harvest. There are so many potatoes that farmers can not sell them, and must dig up money for freight out of their own pockets if they ship them to the usual markets.

"God has given the farmers just as good spiritual gifts as he has given others, and they surely follow God's word and law as closely as other classes of people. It would even seem as if He had given them a better heart and more conscience than others. Their work makes lean their flesh, so it must be they live as moral lives as others. Surely the farmers are not heathens whose souls are to be saved by the prayers of their oppressors.

"Why then a special pray day for the farmers?

"Why should not the Association of Churches, supported by those who feel no want, pray for themselves?

"Why not rather pray for those who do evil unto others than to pray for those unto whom evil is done? Those who sit in New York and send out a call for this pray day should read the lamentations of

Jeremiah; they should look around them and see 'what they did in the villages of Judea and on the streets of Jerusalem.'

"Up to this time the farmer has been treated with contempt; will those who reviled him now also pray for him?

"We believe in prayer and the power of prayer, but when the way lies clear for doing justice to the farmers without further prayer, then we believe there should be human action.

"If further prayer is needed that right may prevail, then it is not necessary to pray for the farmers. It might be well to pray that the moneyed class be given a change of heart—but that is hardly worth while; it would take too long; it requires other methods.

"If anything is to be done now for the farmers through prayer, it would have to be a prayer for the benefit of Congress; that every person in that body receive a clearer vision, but above all an awakened conscience and the courage to do justice to the farmers. First and foremost, a prayer should be prayed for President Hoover, who has given the day of prayer his approval, that he receive the great courage needed to put through the saving plan for farmers which a Congress with a new vision, resulting from prayer, has placed in his hand for execution.

"If they are really going to pray for the farmers, they should pray that the farmers may awaken and in righteous indignation demand what is their right; that they be given a clear vision, enabling them to keep every individual out of the Halls of Congress who is not honest and does not possess the courage that is needed.

"Then there could be a prayer that farmers would do better by working together, but we doubt if this idea is a part of the proposed national pray day.

"What the sanctimonious gentlemen probably thought most about as a subject of prayer was that the farmers would continue to be patient, and that God would be kinder to them.

"The idea, as we have intimated, is unavailing. God has been kind to the farmers; if only the Government would be as good to the farmers as God has been, then the farmers would indeed have a paradise on earth.

"Under God's plan for the farmers, the responsibility for their well-being is divided. He has Himself given them health and strength and will to work; and He has regulated the earth's fruitfulness, and measured out sun and rain as needed; and He has set bounds between zones of climate which no mortal man can alter.

"But He does not accompany the farmer when he goes forth to market his crop surplus, or stand in the market place to buy the farmer's commodities, or retail them to consumers. Did He so, there would be no occasion to complain.

"He has allowed the people to build their own communities and set up their own rules of life and trade. That they who are engaged in buying and selling have figured the farmer in as a part of God's gift of natural resources to be exploited, is not His fault. Never has He set up a popular government by direct usurpation; but history proves that when things go wrong, He blows everything away, and humanity must laboriously build anew, even if it cost rivers of blood to do so. * * * Those who have proposed this pray day for farmers have had an inkling that there is something wrong, and those who govern should find in it a warning."

SPEECH OF MRS. EMILY NEWELL BLAIR

Mr. ROMJUE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a copy of a speech recently delivered by Mrs. Emily Newell Blair before the National Women's Democratic Club.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. ROMJUE. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include a speech delivered recently by Mrs. Emily Newell Blair before the National Women's Democratic Club.

The speech is as follows:

THE FUTURE OF THE DEMOCRATIC PARTY

Last year I dared suggest that we scrap party platforms—a suggestion which I must acknowledge received far more attention by public press than by party leaders.

Events of the campaign just past gave support to my theory and added further evidence to the uselessness of party platforms.

This year I would go further and speak of what our party should stand for.

Newspaper accounts report that the Senators are to have the responsibility of developing by their action the policies of the party—make its record—on which it will go to the country. There may be some difference of opinion as to the advisability of this move. Members of the House may object. Yet there is much to be said for the idea. A minority party can only make its record by action of its representatives in the legislative body. If these representatives could, when in caucus assembled, decide upon a course of action, that course must constitute the party's record. Such a record would, of course, need to be ratified by a convention of the party before it would become the policies on which the party would go before the country in a presidential campaign. If this should be done or could be done, however, the party could once more go to the country as a party with a party record and a party policy, instead, as too recently has been the practice, as a name under which were presented an aggregation of individual policies and records utterly opposed to each other. There would be Members of the House and Senate who would not follow the decision of the caucus, but these Members would then be recognized as insurrectos, irregulars who, though they might win nominations and elections for themselves, could not claim that their actions were party actions and could not lay the party open to the accusation of being two opposite things at one and the same time. Nothing except a Democratic administration could so lay the ghost of that insiduous propaganda that "there is no difference between parties," a propaganda that always does harm to the Democratic Party and strengthens the Republican Party, for if no difference, then why be a Democrat except in Southern States?

What we need is to present ourselves definitely as a party, not merely as an aggregation of individual representatives—brilliant and able as they may be—to reestablish ourselves as a party, with a party record and a party policy.

In order to do this it is important that there be not only some unanimity among our Representatives in Congress as to their policies on questions, but that these positions be taken with some degree of consistency—that there be some logical connection between their positions on the various questions. To do this, it is necessary that they be guided in their decisions by the application to the questions at issue of certain fundamental principles of government, some attachment to certain definite ends for which they work, some definite economic, civil, social creed.

It was by such procedure that our party was formed. Such a system has guided all our great Democratic Presidents. It is indeed the thing that distinguishes a party from a program, a party from an association. Jefferson lives to-day because he had such principles, such an end which he considered the ultimate good, a definite economic, social, civil creed. Jackson, too, had such principles—a definite economic, social, civil creed. What distinguished President Wilson from President Roosevelt was that one had principles, the other opinions; one had policies, the other had programs.

There could be no better time than to-day for the Democratic Party to reassert its principles and return to a practice of applying them to the questions to be decided. For never was there a time when the opposite party was more addicted to a practice of expediency than to-day. The Republican Party has always been a party of program. This has been its strength as well as its weakness.

There could not ever be in this country a party subscribing to and advertising the principle of aristocracy or class government. This does not mean there are not persons in this country who believe in the practice of aristocracy or class government. They could never win, however, if they proposed it.

The only way in which believers in the aristocratic theory can win, can work, is by the program method. If they can find a party devoted to the program method they may be able to advocate programs that will accomplish what they desire even while preaching equality of opportunity.

The Republican Party by its very formation was a program party—founded to promote abolition of slavery. As a program party it gathered together under its banner for purpose of success all those who were disaffected or advocated this or that "ism," without regard to a fundamental principle of government. It accomplished its program. Its leader died and other programists entered in and took control. Loyalty, efficiency, and prosperity are not the slogans of principles but of programs.

Its lack of fundamental principles has made it possible for the programists to enter in. Wherefore it becomes the party of the man who wants business in government, a business administration, etc. This is its weakness as a true instrument of government. But it is also its strength, for it makes it possible for it to conceal the real principle of those who use it.

What, then, is the fundamental principle that our Senators and Representatives should apply this session in determining their positions on questions if they are to make a democratic policy? It is not necessary to look far, for principles are the same yesterday, to-day, and to-morrow, and the fundamental principle on which the Democratic Party was founded is ready to use to-day.

This principle was enunciated by our leader, Thomas Jefferson. Our party was founded on it. It was the guiding principle of Andrew Jackson when he reorganized our party by reapplying it when our party had departed from applying it and was in somewhat the same situation it is to-day. It was applied by Grover Cleveland and applied again by Woodrow Wilson.

This may on first thought appear far-fetched to you, remembering how conservative, for instance, Grover Cleveland, how radical Thomas Jefferson, how liberal Woodrow Wilson—adjectives, conservative, radical, and liberal, having quite different connotations—remembering how different their acts. But acts are the result, we must remember, of the application of a principle to the conditions. Changed conditions bring

about different acts, though the principle be the same. What does not, can not change is the end at which we aim.

The principle enunciated by Thomas Jefferson, as I understand it, was that the end and aim of government is to safeguard the liberties and to conserve—or, let us say, equalize—the opportunities of the common man. The application of it to the conditions of his day resulted in his attack on the law of primogeniture, for instance; in his opposition to the refunding of the State debts; in his efforts to extend the franchise and his advocacy of State rights as opposed to Federal control. In these later days we have come, I think, to confuse the application with the principle. We hear the doctrine of State rights, for example, spoken of as a principle when to Jefferson it was a method.

I have read my Jefferson not once but several times and everywhere it seems to me that what interests him is not a method of government but the safeguarding of the liberties and the widening of the opportunities of the common citizen. In one place he says something to this effect, "I know of no way to safeguard the liberty of the individual except by keeping the control of government in the hands of the people." I can only take this to mean that his object is to safeguard the individual and that his advocacy of local self-government is the means whereby he would do it. When he was endeavoring with all the ardor of his spirit and width of his intellect to secure this end, he saw that the best way to do it was to keep the control of government close in the hands of the people, which meant to him in local governments. In that day the best way, undoubtedly, was to keep it in the hands of the local group. Living as they were in isolated communities far from the center of Federal Government, it was necessary to vest in the local governments control over as many of their affairs as was possible, leaving to the Federal Government only those matters that could not be handled by the local governments. This developed the doctrine of State rights.

Of course, I know the legal argument as to the sovereign rights of those States that yielded only those mentioned in the Constitution to the Federal Government, but going back to the more fundamental principle that governments exist by the consent of the governed and that their object is to promote the public welfare, Jefferson did not vest his advocacy of State rights in such an argument. He would have scrapped the inherent sovereignty of the State as he did the sovereignty of England had he believed the welfare of the individual required it. Jackson did do it. Cleveland did it. And Wilson did it when the application of the principle that government is to safeguard the liberties of the common man and to equalize his opportunities to the conditions facing him required it. It is so easy for us to confuse the means with the end, the method with the principle, that it is not surprising that we should have come to-day to have elevated this doctrine of State rights to the importance of a principle and consider it a fundamental policy.

A Washington newspaper which often advises but seldom supports the Democratic Party said in an editorial this week that our Senators in framing their policies, should return to the doctrine of State rights, saying that sooner or later the country will return to the party holding to it.

But what are the conditions to which we must to-day apply our principles of safeguarding the liberty of the individual? In Jefferson's time those conditions had to do with the political rights, the right to vote, to inherit equally, to receive an education—the application meant the curtailment of power of great landowners, of the privileges of elder sons, the extension of educational opportunities, the leveling of social and class superiority. To do these things he could not and would not trust a Government controlled and dominated by great landowners and rich bankers of New York and Philadelphia and Virginia, a Government that citizens could not see and about whose action they could not hear for months after it had been taken. He would place control in the hands of State and local governmental authorities.

The conditions to which Jackson applied the principle had to do with the power of great banking houses and a landed gentry and New England shippers. The application called for the organization of the common, everyday man and, so he thought, the abolition of the national bank.

The conditions to which we must apply them to-day have to do with our economic equality and opportunities. They have to do with wage scales, not the right to vote but the right to work, the application means curtailment of the power of private citizens over our food supply, the protection of our children in a chance for development, the prevention of concentration of capital—that is, wealth to-day—in the hands of an everdecreasing number of men, the stoppage of the gambling by these same dominating factors in the property of the many. Such things can be done only by the Federal Government. To advise a return to the State-rights method of handling them is to advise the continuance of the conditions and the abandonment of our principle. It is the counsel of those who do not wish to apply this principle. I have yet to see anyone who wishes to control or to effect such conditions argue for or advocate a program of remedy by the State-rights method. Invariably in our day that doctrine has been invoked by those opposed to action. Think it over and name one instance of a program of changing conditions being undertaken by the State-rights method. It is always invoked against measures, never for them. To-day the conditions we must change if we stick to our principle are not subject to local control. They can only be controlled nationally. For they are the result of an industrial organization that is national in extent, which functions federally. As no locality is or can be to-day industrially self-sufficient, industrially independent, so no locality can control its individual conditions. And what is true of localities is to a great extent true of the States.

Let us, for example, take the case of water power. One State decides to conserve its supply or bring public utilities under control in the interest of the consumer. The ownership of the water power and public utilities is vested in a company that owns properties in a dozen or perhaps 48 States. One of these States needs capital for development or is in some manner controlled by this company. This State lowers its rates and its taxes. The company retires from the first State to the second. The first State suffers. Or another State fixes what it believes a fair tax on the electric-power companies. And the power is no longer delivered into that State.

A better example is the matter of inheritance taxes. No better way to prevent the accumulation of great wealth in the hands of a few families has been devised so far than that of imposing a tax on large inheritances.

The States-rights method would provide that to the State belongs the right to tax inheritances. Then a State like Florida, desiring to encourage immigration of wealthy persons and foreign capital, repeals its inheritance tax. Millionaires flock into the State to take up their residence there. Some other State—let us say Georgia, for instance—sees its millionaires moving over the border. Its taxes fall off; its available capital decreases. It can not stand the loss. It repeals its tax. Soon other States follow suit for similar reasons. And we have no inheritance tax.

Take the child labor laws. One could go on at length with examples.

Self-government? What chance has my town of Joplin by ordinance to limit or control the chain store? To forbid it or to tax it simply means it will leave the town; go to the neighboring town of Carthage, 18 miles away. It is a national concern organized federally, if I may use this expression. It does not need Joplin as Joplin needs it.

I have gone into this at such length because many earnest Democrats seem, like the Washington editor, to want to tie us to the State rights doctrine as a fundamental party policy. And nothing would so fatally, it seems to me, lead us from our duty and obscure for us our opportunity as this policy.

For we have, we Democrats—and it is before our Senators and Representatives in this Congress—both a duty and an opportunity.

Let us face facts.

Whether we approve it or not, or like it or not, we find ourselves to-day in a new civilization, one based on goods consumption and production. Machinery has made possible enormous production. This quantity production makes possible high wages, which makes possible the high production, which makes possible the high wages. Our financiers have increased this production and consumption still further by the development of a buy-it-on-credit system. There might have been devised better systems than this if man were a planning, thinking animal instead of a feeling, competitive one with an instinct for gambling. But it was not devised. We did not do it. We let it happen as it has. And here we have this new civilization. It has its benefits. More men are probably comfortably housed and fed than ever before. But it has its drawbacks, as it is now run. One is that for this comfort man has yielded his individual control over the processes by which he may gain his food and lodging. Although he still has political liberty, he has little industrial or what loosely may be called economic liberty. This effects the equalization of opportunity, to the securing of which we as a party are committed. This system has placed the control of the industrial processes in the hands of a few men, industrial superlords, who by their policies may give or withhold the food and lodging. Over the men who labor for them in return for food and lodging and clothes, a radio, a Ford, they may not exercise political power—although of this in many instances there is doubt—but they do have the power of the pocketbook, the control of the food supply, which is the power of life and death. Collectively the policies of a couple of hundred men which their underlings may not affect control the destinies of millions.

Delaware has been called the feudal fief of one great family. What has happened there may happen elsewhere, is happening elsewhere all over this country.

History does not show that men who have gained such power ever willingly release it. On the contrary, they become more and more autocratic, more and more arbitrary in their methods. The power of these industrial overlords is to-day almost as great over those who labor for them and under them as that of the feudal land baron over the serfs. It may be easier for the laborer to move from laborer to overlord than it was for a man to move from serfdom to land baron, which to Mr. Hoover seems to justify the system. But not many do it; each year fewer, as income-tax returns show.

In England slowly and painfully the land serfs gained their liberty from the land barons. They themselves did not become barons. But after the King had broken the first power of the baron—and we have

no king here jealous of the power of these industrial barons, except king populi, the middle class and the lower class—they wrested from the aristocratic group certain political and personal rights for themselves. And in the struggle they forced this privileged class to assume a certain public responsibility for the public welfare in return for their privileges. It was a struggle which took 600 years.

We can not change this civilization of ours. Probably we would not if we could, although I like to believe that four years more of Mr. Wilson in the White House, with the Woodrow Wilson application of the principle of safeguarding the liberties and equalizing the opportunities to the then existing conditions, would have given it a different direction. But the war came. A reaction set in against liberalism in all its purposes. And now it is too late. To stop it would bring disaster. Too greatly to tamper with it might do harm.

But one thing we can do to this system under which we live. We can humanize it. To do so is the task of the statesmen of to-day. To say that it is beyond their power is to evade the issue. We can extend its benefits so that we do, indeed, as Mr. Hoover says, abolish poverty. We can insist on shorter hours, better housing, better health protection, no child labor. We can place the burden of taxation so that the public shall receive a fair share of the rewards of the system—which is, indeed, the only way that we can under our present system of capitalism force those who profit from the system to render back to the public a fair exchange for their privilege to make it.

There will be two ways of trying to humanize this system. There will be the aristocratic, the feudal, the Tory method. This will be to do it by agreement—by agreement between the overlords. There will be an effort on the part of humanitarian masters to set a high standard of overlordism. There will be an effort made to have public opinion force it. Then we will have good overlords and bad overlords, and the state of the underling will depend upon what kind of lord he has.

There will be an effort to extoll great overlords who build great libraries and hospitals and colleges. Public opinion will require it of them. This is the method, if I read him aright, advocated by Herbert Hoover. It is his method of striving to humanize this industrial system. Humanization by benevolence; that is the Tory, Republican, Hoover system. But while they advocate this, and to an extent practice it, they will continue to confirm the autocrat—industrial autocrat—in his power. They will yield him and even add to his privileges.

This was the way tried in England. There were good masters and bad, and public opinion was with the good. There they strove to get from the privileged volunteer service in return for privilege. There they depended on benevolence. But they found it was not enough. Little by little they demanded that the return for privilege be paid in proportionate taxes. They employed law.

That is the Democratic way—the only effective way—humanization not by benevolence but by law.

The duty, then, of the Democratic Party in applying their powerful principles to conditions is plain. It is to determine their stand on the question by asking questions as to what effect it will have as to the liberties, welfare, and opportunities of the ordinary, everyday man—in what way will it safeguard him and in what way and to what degree humanize this system.

It is not for me to advise Senators and Representatives. But can not an income tax law be framed in such a way that it not only provides the funds for Government expenses but makes it easier for a man to accumulate his first $100,000 and more difficult to accumulate $500,000,000? It may be a small thing, but a woman whose income doubles mine told me the other day she paid an income tax of $5, while mine was many times as large. I earned mine and she inherited hers.

Is not what is called 50-50 legislation an effort to fix responsibility for privilege by giving back to the people in States that produce the wealth a share of the taxes that are paid in the State where it is owned?

Is not a child labor bill an effort to protect the rights of the child against the greed of an overlord? What are labor laws and minimum wage laws and 8-hour days but efforts to safeguard the liberty of the underling?

What are free educational institutions?

What about a Muscle Shoals? What about water power, lowered taxations of homesteads and farm lands? What about oil conservations that curtail production in Government lands and so raise the price of oil in private control?

What about stock gambling?

What about the Bread Trust? And what about the tariff? Does it not help the overlord? What about waterways?

Each of these questions can be approached from the point of view of strengthening the power and control of the overlord or of safeguarding the industrial rights of the underling—of closing, or equalizing opportunity. For Democrats to approach them from the viewpoint of protecting the underling and safeguarding his opportunities is not only to do their duty but to embrace an opportunity. Ten years have passed since the war. The wave of fear and cynicism, greed and selfishness that gave the autocrat his opportunity is now receding. The liberal spirit is once more about to quicken. It will move slowly at first in places least expected, remote from this Capital. But it will grow in strength. If the Democratic Party is true to its principles, if it offers once more a man who can apply them, then this spirit will catch hold of it, and as the wind catches the sails of a ship, full rigged and waiting for the breeze, carry it into office. But if it dallies; if it compromises with the autocrat; if it forgets its heritage and its obligations; if it abandons principle for method, or runs after strange gods, then this liberal spirit will build its own craft and strike out under its own steam, and the Democratic Party will drift, a derelict on the ocean of politics, occupied only by the political rats who had not enough courage to enter the new vessel or honestly go over to the Republicans.

The only future of the Democratic Party is that of liberalism, and liberalism applied to the problems of to-day—industrial, economic problems—a courageous, valiant liberalism.

EXTENSION OF REMARKS—THE TARIFF BILL

Mr. LANKFORD of Georgia. Mr. Speaker and Members of the House, I am making this argument in behalf of those seeking a tariff on tar and pitch of wood as well as turpentine and rosin. Tar and pitch of wood as now discussed is the product produced by what is known as the destructive distillation process. Under this process wood, stumps, and deadwood generally are purchased from the farmers or other owners, placed in kilns in a pulverized condition, and reduced to charcoal. The tar which is recovered is sold in commerce for use in rubber trades, the cordage trades, and otherwise.

It has been found that this pine tar can be used in the manufacture of tires and the reclaiming of rubber generally. For this reason this product has a commercial value not known a few years ago.

It will be seen that unless this industry is fostered much of the material from which this tar and pitch is produced will be destroyed by fire and be a total loss. When once destroyed the pine stumps and dead "heart" pine wood can not be reproduced, as they constitute the otherwise commercially useless waste timber or wood. In other words, after a tract of land has been saw-milled that which has heretofore been left for destruction by forest fires is, under this distillation process, reclaimed and placed in the channels of commerce.

Stumps are shattered and blown out of the ground by dynamite and in this way arable land is cleared of the stumps and can be more easily put into cultivation. The woodland is likewise cleared and a reforestation naturally takes place where the old stumps have been replaced by newly harrowed ground. For these reasons the farmer is benefited in several ways by the operation of these pine-wood distillation plants. This land is more easily put into cultivation, the woodland is more easily reforested, the farmer gets pay for his otherwise waste wood, and the community generally is benefited by the employment given to labor in the operation by which the wood is gathered and finally manufactured into a finished product.

One solution of the present farm problem that has been suggested is that the farmers diversify and produce less of the basic commodities which are now injured by alleged overproduction and that they turn some of the land that is now being cultivated into the growth of valuable timber. This is being done in the turpentine section of the country by allowing land heretofore cultivated to grow up in pine timber, from which a good revenue can be secured after a few years. It is therefore very essential for all these reasons that the tar and pitch of wood industry not only be maintained but that the turpentine and rosin or naval stores industry be fostered and protected by sufficient tariff.

The cost of pine tar in Danzig and Archangel—Russian and Polish tar—is about 11 cents a gallon. Our production cost is about 25 to 28 cents a gallon. The freight from Danzig and Archangel to New York is about the same as that from our Gulf ports to New York. The importation of his product has increased from 400 barrels in 1925 to 15,000 barrels in 1928, and it is not fully known what amount of tar Russia may soon ship in if this commodity is left on the free list.

Most of the foreign pine is produced in Poland, Russia, and Finland by the peasants, who pile the wood in pits, cover it with sod, and fire it. The tar runs into a depression in the ground, is gathered and barreled for shipment. The cost of production in these countries range from 5 to 6 cents per gallon because of the low wage rate, which is as low as 8 cents a day in some instances. This commodity is offered in the export trade at about 11 cents per gallon, and thus in order to protect the manufacturers of pine tar in the United States the duty must equal the difference between the cost of 11 cents at Danzig and Archangel and 25 to 28 cents per gallon, the cost of production of the American tar at our Gulf ports.

The pine tar and pitch manufactured in the United States is being sold on the pound basis at the present time, and it seems most advisable to provide a duty on this basis. A gallon of pine tar weighs 8.9 pounds, and a duty sufficient to cover the

difference between the cost in America and abroad is estimated to be 2 cents per pound on pine tar, wood tar, wood-tar oil, wood pitch, and other products made by destructive distillation or the kiln method.

Turpentine and rosin is distinguished from tar and pitch of wood, now mentioned by reason of it being produced by the living pine tree rather than extracted from deadwood. The United States produces about 70 per cent of the world's supply of this commodity. France produces about 20 per cent and the remaining production is by Spain, Portugal, Mexico, and India. While less than 1 per cent of our production is imported and we export about 50 per cent of our production, yet it is found that this 1 per cent affects very seriously the price of turpentine in this country.

Turpentine and rosin are marketed on a daily price established at Savannah, Ga., which market is recognized by the entire world. Experience has shown the effect of unduly depressing this single market. France has a tariff slightly exceeding 10 per cent against our turpentine and rosin, while Spain has approximately 40 per cent, Portugal exceeding 15 per cent, and Mexico in excess of 25 per cent.

For all these reasons and under the showing made by the various witnesses who appeared before the committee in behalf of the tariff on these products, I respectfully contend that the 10 per cent ad valorem rate requested on turpentine and rosin and the 2 cents per pound requested on tar and pitch of wood should be granted.

Mr. COCHRAN of Missouri. Mr. Speaker, in his message to Congress President Hoover said in part in speaking of tariff legislation:

> It would seem to me that the test of necessity for revision is in the main whether there has been a substantial slackening of activity in an industry during the past few years, and a consequent decrease of employment due to insurmountable competition in the products of that industry.

Had the Republican members of the Ways and Means Committee written a tariff bill and made only such changes as the President intimated, the present nation-wide criticism would not prevail. I do not believe in free trade nor do I believe in according special favors to special interests, but I do feel the time has arrived when it is necessary to extend certain protection to our industries where it has been shown by indisputable evidence foreign competition is destroying or seriously interfering with an American industry.

The bill now before us was prepared with an utter disregard for the wishes of President Hoover.

In speaking of the new bill the St. Louis Globe-Democrat in its issue of May 9 said editorially:

> Business long ago had adjusted itself to the present tariff, and it is working reasonably well. There has been no outcry raised against its operation. Never was there a political campaign in which the tariff was so little discussed as in that of last year. In fact, for the first time within the memory of man it was not a primary issue. Moreover, other countries had become accustomed to its schedules and its first irritations had virtually disappeared. Why, then, should it be brought up again in full array and the country forced to endure the turmoil of a general revision when there is no demand for it and no need for it?
>
> The occasion, of course, is farm relief. The Republican Party had pledged itself, among other pledges, to an effort to help the farmers by increasing protection to agricultural products. Compliance with that pledge, however, did not make it necessary to undertake a wholesale revision of the tariff, and if the committee had confined itself to the agricultural schedule and touched others in accord with the rule laid down by Mr. Hoover no general dissatisfaction would have been felt and business conditions would not have been materially disturbed. But it has undertaken what amounts to a complete revision, or at least it makes complete revision virtually unavoidable.

Mr. Speaker, the members of the President's party have virtually challenged the President in reporting this bill. We all know that Mr. Hoover was not the choice of the politicians; he was not favored by but a few Members of this House; but with the organization and special interests, big business opposed, he secured the nomination and was elected. He is neither indebted to you nor obligated to big business for the position he now holds.

I will be greatly surprised if Mr. Hoover does not step in at the psychological moment and declare himself on this bill.

Speaking of the situation of the President the St. Louis Post-Dispatch, in an editorial May 19, says:

> President Hoover is reported in Washington dispatches as dissatisfied with some of the schedules in the new tariff bill, particularly those of sugar, brick, and cement. Just what his attitude is is not definitely known, though it is a fair presumption, to put it mildly, that he questions the wisdom of the proposed levies. What he intends to do is unknown. His silence in the circumstances, or deliberation, is understandable. The attitude of public opinion toward the President is, we believe, genuinely friendly.
>
> His position is difficult. A Congress of his own party has, at the beginning of his administration, run amuck. There was no mandate from the people in the November election for Congress to enact a new customs act. The expectation was for a "limited revision," as Mr. Hoover stated in his message. But the Ways and Means Committee has flouted the President and defied public sentiment. Instead of "limited revision" it has, in effect, undertaken to repeal the present customs law by drafting a new act which will add hundreds of millions to the cost of living.
>
> We do not believe it extravagant to say that Mr. Hoover is confronted by a crisis, that the success or failure of his administration will largely be determined by his action or inaction, that he will emerge from the test with his leadership established or gravely impaired, if not destroyed.
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> The Post-Dispatch sincerely hopes that Mr. Hoover will meet the challenge of the special privilegists with courage and decision. Every property-selfish reason urges that course, as does every patriotic reason. Mr. Hoover can have no illusions as to how he reached the White House. He knows he never was the choice of the party bosses, that he was never the choice of the interest which the Ways and Means Committee are serving with unconscionable grants of subsidy. Public sentiment nominated him. Public confidence elected him.
>
> A man of the President's extraordinary business training and mastery of economics can clearly foresee the popular reaction at home to increased prices for food, clothing, shelter, which must inevitably follow the enactment of the Hawley tariff bill. He can clearly foresee that the reaction of other nations, of which the first murmurs are already heard, will be reprisal. His vision of a sounder, broader prosperity—the vision which inspired his laborious tour of South America as President elect—will be shattered. His dream of a finer international comity, under the ægis of liberal, mutually profitable trade relations, will be wrecked. The country's high hopes of his presidency, predicated upon his unparalleled equipment and practical genius, will be dashed to the ground by the rapacity of the tariff barons.
>
> This is no time for mincing words. It is either fight or quit. There has been nothing of the quitter in Herbert Hoover's career. He has fought his way to the top. If he continues in character he will now wage the fight of his life.
>
> As to what his generalship should be, history is, as always, the great tutor. Our fighting Presidents—the Wilsons, Roosevelts, Clevelands—never hesitated to appeal to the people. And none of them, perhaps, ever commanded greater public confidence than Mr. Hoover does at this minute. Nor was any of them ever armed in greater righteousness than Mr. Hoover will be if he chooses to declare war upon the tariff spoilsmen.
>
> The going may be rough for a time, but the opportunity has been presented to Mr. Hoover to rout the enemy, to intrench himself impregnably in the people's esteem and trust, and to lay the foundation for a notable presidency by keeping faith with the American people.

I have taken the liberty of calling the President's attention to the editorials in these great metropolitan papers.

Mr. Speaker, the pending tariff bill has no parallel in the history of tariff legislation. If it becomes a law as reported by the House committee it will increase the toll to the American public by almost a billion dollars. It is indefensible.

We have heard from those who would willingly vote for an embargo and likewise from those who seek to make the tariff work for the farmer. How about the consumer? How many have raised their voices in the interest of the masses of the people?

I represent a district inhabited by nearly 300,000 people who are going to feel the effects of this bill. Striving now to provide a decent living for their families, deprived of many necessities and likewise pleasures by reason of the high cost of living, you are going to saddle additional burdens upon them. Great industrial establishments are located in my district but I can honestly say, with a very few exceptions, I have received no appeals for increased tariff rates. Is it not reasonable to feel they are satisfied, that they can maintain their present standards, including wages, under existing conditions?

I will only refer to a few paragraphs in the bill. Telegrams and letters request me to place before the committee and the Congress the views of those engaged in the shoe industry. I come from the greatest shoe-manufacturing district in the world. You have been told the manufacturers of women's and misses' shoes are suffering. Department of Commerce statistics show the St. Louis district manufactures more women's and misses' shoes than men's and boys'. Do they want a tariff on shoes, on leather, or on hides? No; and they ask me to so inform you. Only two shoe manufacturers, both small in comparison to the great corporations of the St. Louis district, ask for a duty on shoes and one urges at the same time that hides

be kept on the free list. The large leather-manufacturing companies also ask that leather, hides, and skins be kept on the free list.

On March 10, 1929, in a special article in the St. Louis Post-Dispatch it was shown 38 officers and heirs of officers of the International Shoe Co. have become millionaires since the merger formed the company 17 years ago. They do not want a tariff on shoes, nor do they need it.

It is rumored that the Republican members of the committee have decided to place a 25 per cent duty on shoes and a duty of 5 cents a pound on hides. This to bring the Massachusetts delegation in line. Such a tariff will mean an increase in the shoe bill of the people of the United States of over $250,000,000.

They say a 5-cent duty on hides would mean about $25,000,000 for the farmer, while a tariff on hides and shoes would increase his shoe bill $95,000,000, or a balance against him of $70,000,000, and few are of the opinion the farmer would get the benefit of a tariff on hides. They sell their cattle on hoof, and the packer, no doubt, would be the ultimate beneficiary from a duty on hides.

The Tariff Commission reports the manufacture of 344,350,724 pairs of boots and shoes in the United States in 1928. The importations were, men's and boys', 390,816 pairs; women's and misses', 2,023,125 pairs; children's, 202,912 pairs.

Massachusetts members tell us statistics for the first three months of the present year show an increase in importations. What if they do? Even if a million pair a month were received it would be but a small per cent of the 344,350,724 pairs manufactured in the United States. The prices of shoes have not decreased. Look at the hearings before the Appropriations Committee. Year by year you have been required to increase the appropriation for shoes for the enlisted men in the Army, Navy, and Marine Corps.

You increase the cost of construction and the building of roads when you place a tariff on logs, lumber, and shingles, on cement and brick, while you make provisions to increase the profits of the chemical, steel, and other trusts.

Sugar, necessary to sustain life, under the new rates will take more from the pockets of the people of the country annually than the entire sugar plantations of the country are worth.

I have received protests from the medical associations on various items, including the increased duty on surgical instruments; from the same source and from druggists, complaints of the increase on acids and other necessities used in compounding prescriptions. I looked up some 15 items listed in these complaints, and only in one instance did I find where the imports had increased; in every other case they had decreased. Can such increases be defended?

Telegrams by the score reach me protesting the changing of section 402. They all say the change proposed is outrageous, unnecessary, will make the appraisers czars, that a United States valuation is wrong and will open the way for much litigation and hardship among importers.

Because the United States Court of Customs Appeals has made some decisions not to your liking, you want to make the Secretary of the Treasury a court of last resort. Not satisfied with delegating additional legislative authority to the President in the bill, you seek to delegate judicial authority to the executive branch of the Government.

The President suggested limited changes to benefit the farmer. The framers of the bill give the farmer 10 per cent and the special interests 90 per cent. For every dollar's worth of benefit the farmer receives, it will cost him $9 additional for necessities he will be required to buy in the highest protected market in the history of tariff legislation.

Those residing in the cities will be subject not only to an increase in the cost of food, but every article they buy to furnish their home as well as the clothes they wear will advance in price. This the result of the Ways and Means Committee's definition of "limited tariff revision."

Mr. SELVIG. Mr. Speaker and Members of the House, the time allotted to me to-day did not give me an opportunity to discuss specific schedules of the pending tariff bill in which we are vitally interested. There are so many schedules in it and its ramifications extend in so many directions that I must necessarily limit my remarks to a very few items.

On May 13, 1929, nine members of the Minnesota delegation indorsed a number of recommendations addressed to the Ways and Means Committee. All of us recognized that the members of this committee were confronted with an arduous and very complicated task. The members of the committee have been in almost continuous session since January 7, 1929, and have labored hard to meet the insistent demands made by all who requested that their particular business or industry be given increased protection.

In my speech of May 16, 1928, in the House of Representatives I gave an analysis of the present tariff law in its relation to agriculture. I have had no occasion to change my point of view since that time. Agriculture is not given protection commensurate with industry in the present law. This very fact which, I believe, is generally accepted, led to the movement to adjust our tariff law in order to afford our great farming industry more just and adequate protection.

The special session was called for that purpose. A large number of us were keenly disappointed when we found in the 434 pages of the bill, as originally introduced, a great number of increases in other schedules, including cedar lumber and logs, shingles of wood, maple and birch flooring, fence posts, bricks, cement, metals, tools, and other commodities that the farmer has to buy.

The primary purpose of having a special session was to place the agricultural tariff schedules on a parity with the industrial items in order to increase the farmers' income.

Since the bill was presented to the House opportunity has been afforded the Members of this body to present arguments in behalf of items that did not receive the increases that were recommended to the committee. This has afforded individual Members an opportunity of learning why such increases were not granted and of presenting additional evidence in behalf of merited increases.

I do not wish to give the impression that the distinguished and able members of the powerful Ways and Means Committee and the leadership of this House have not been sympathetic with agriculture, because this is not true. I recognize fully the problem that confronted them when demands came from every industry and from every section of the country. I realize also, that a tariff bill is a matter of compromise, as is all legislation. This has always been true and will undoubtedly be the case in the future.

The committee members, I am sure, will welcome any additional information. Any pertinent suggestions based on facts and conditions will, I am certain, be given their very careful and sincere consideration.

I am listing the suggestions which were presented by the Minnesota delegation. This list was signed by Messrs. CHRISTGAU (first district), CLAGUE (second district), ANDRESEN (third district), MAAS (fourth district), KNUTSON (sixth district), KVALE (seventh district), PITTENGER (eighth district), SELVIG (ninth district), and GOODWIN (tenth district).

INCREASES REQUESTED

1. Paragraph 19—Casein: Increase requested from 2½ cents to 8 cents per pound. Also this paragraph to be transferred to Schedule 7, and the following words to be inserted after "lactarine," "and compounds or mixtures in which casein is the principal ingredient."

2. Paragraph 85—Potato starch: Increase requested from 2½ cents to 4 cents per pound.

3. Paragraph 701—Live cattle: Increase requested from 1½ cents to 3 cents per pound for all live cattle, excepting feeders and stockers weighing 800 pounds or less to remain at 1½ cents.

4. Paragraph 701—Beef and veal: Increase requested from 6 cents, as proposed in the bill, to 8 cents per pound.

5. Paragraph 706—Canned meats: Increase requested from 6 cents as proposed in the bill to 8 cents per pound.

6. Paragraph 708 (b)—Dried skimmed milk: Increase requested from 1½ cents to 3 cents per pound.

7. Paragraph 709—Butter: Increase requested from 12 cents to 15 cents per pound.

8. Paragraph 713—Dried whole eggs, dried egg yolk, and dried egg albumen: Increase requested from 18 cents to 36 cents per pound.

9. Paragraph 716—Honey: Increase requested from 3 cents to 6 cents per pound.

10. Paragraph 760—Flaxseed: Increase requested from 56 cents to not less than 70 cents per bushel.

11. Paragraph 761—Clover seeds: Increases requested. Alsike clover, 5 cents to 8 cents per pound; red clover, 6 cents to 8 cents per pound; sweet clover, 3 cents to 4 cents per pound.

12. Paragraph 768—Onions: Increase requested from 1¾ cents per pound to 2½ cents per pound.

13. Paragraph 769—Potatoes: Increase requested from 50 cents to 80 cents per hundred pounds.

14. Paragraph 771—Rutabagas: Increase requested from 25 cents to 50 cents per hundred pounds.

15. Paragraph 1755—Sago and sago flour: Request transfer from free list to dutiable list with rate of duty at 4 cents per pound.

16. Paragraph 1781—Tapioca, tapioca flour, and cassava: Request transfer from free list to dutiable list with rate of duty at 4 cents per pound.

Increases requested in the schedules embracing the various oils and fats and their oil-bearing raw materials as recommended by the farm organizations.

The members of the Minnesota delegation opposed the placing of any duty on logs, lumber, shingles, maple and birch flooring, fence posts, cement, and brick.

In this connection I wish to call attention to the resolution unanimously passed by the members of the Minnesota delegation on February 26, 1929 (Tariff Hearings, 9606), opposing a duty on lumber, shingles, and logs.

I will place in the RECORD here a letter received from Mr. A. J. Olson, president of the Minnesota Farm Bureau Federation, which is self-explanatory. The members of the Minnesota delegation, in cooperation with other members, have been very active in working for a tariff bill that will give agriculture greater help:

MINNESOTA FARM BUREAU FEDERATION,
St. Paul, Minn., May 14, 1929.

Hon. C. G. SELVIG,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN SELVIG: With the farmer paying 65 per cent higher for the things he needs and must buy as compared with what he has to sell, it is incomprehensible to officers and members of the Minnesota Farm Bureau Federation that any Member of Congress can be so ruthless in his service to speculators and special interests as to vote for a 25 per cent duty on shingles and also inflict additional consumer burdens by a tariff on fence posts, cedar lumber, logs, maple and birch hardwood lumber, and other building materials.

We sincerely hope that you will do all in your power to defeat the unfair and discriminatory proposal to impose a tariff on shingles and lumber and other building materials. We know that enactment of a lumber and shingle tariff at this time, pyramided all down the line from logger and manufacturer to jobber and retailer, will cost the farmers of Minnesota from $2,500,000 to $3,000,000 per year and the farmers of the Nation not less than $150,000,000 per annum.

And this is only the beginning.

No well-informed person questions for a moment but that price increases developed by a tariff will be reflected in the costs of other building materials and lumber and shingle substitutes.

We believe that it would be a very grave mistake to permit enactment of a tariff on lumber and shingles at this session of Congress, and we also feel that such a move would develop a serious reaction in a political way among all consumers, both rural and urban. We are hearing many protests in this connection.

This letter is being sent you with the hope that the proposed shingle and lumber tariff will be defeated, decisively, as it deserves to be under existing conditions. There is absolutely no excuse for it.

With very good wishes, I am,
Sincerely yours,

A. J. OLSON, *President.*

The tariff on casein was not increased in the bill as reported to the House by the committee. Two additional telegrams have been received from casein manufacturers which give additional evidence to prove that domestic casein can be produced of quality equal to that produced elsewhere.

I will place these telegrams in the RECORD.

BEAVER DAM, WIS., *May 20, 1929.*

Hon. C. G. SELVIG,
House Office Building:

We have sold casein to Allied Paper Co., Kalamazoo, Mich., giving perfect satisfaction. American manufacturers can produce quality casein with reasonable price which tariff duty of 8 cents would assure.

KRAFT PHENIX CHEESE CORPORATION.

SAN FRANCISCO, CALIF., *May 17, 1929.*

Hon. HENRY E. BARBOUR,
House Office Building, Washington, D. C.:

Earnestly urge you and other Members California delegation exert every effort to secure substantial duty increase of casein over rate now in proposed tariff act. Claims advanced in favor of Argentine casein absolutely without any foundation; in fact, casein of highest quality can be made in any dairy section of this country and is now being made in California. Reason for uneven quality and unreliable supply from many sections is directly traceable to the fact that no one manufactures casein when other outlets for skim milk can be found. An increase in duty would not result in harmful increase in cost of production but would stabilize both quality and price in this country and materially aid income of dairy farmers of Nation. Value of skim milk when utilized to best advantage almost equal to value of butterfat. Other outlets for skim milk not sufficient to absorb more than small portion of supply. Casein outlet one of dairy farmers' real needs, but present tariff too low to equalize costs of production.

SAM H. GREENE,
California Dairy Council.

In view of the great mass of evidence presented to the committee during the past 10 days, when they have conducted hearings on specified items in the bill, I shall not take up the time to enlarge on all of the items presented by our delegation.

I have already presented facts regarding dairy products, casein, and vegetable oils, which are given in the CONGRESSIONAL RECORD of May 15, 1929. At this time I would like to refer briefly to clover seeds, which are produced in large quantities in my district. These items were granted increases in the bill, but an additional duty is required.

CLOVER SEEDS

I refer specifically to red, alsike, and sweet-clover seeds.

First. Red-clover seed: Present rate, 4 cents per pound; rate in the bill, 6 cents per pound; requested rate, 8 cents per pound.

Alsike-clover seed: Present rate, 4 cents per pound; rate in the bill, 5 cents per pound; requested rate, 6 cents per pound.

Sweet-clover seed: Present rate, 2 cents per pound; rate in the bill, 3 cents per pound; requested rate, 4 cents per pound.

Second. Red-clover seed: The average imports, 1920–1928, were 11,000,000 pounds per year. The average production, 1923–1928, was 50,000,000 pounds per year. Much of the seed imported comes from Europe. It is of inferior quality. Oftentimes farmers who sow this inferior seed experience total crop-failure results because the seed is not viable or is not hardy enough. The seed is stained to identify it, but even with this warning many farmers buy it because it is lower in price. It really is the most expensive seed they can buy.

The increase in duty which I request will encourage greater production of red-clover seed. The price depends, according to the Tariff Commission, upon domestic supply. It is unquestionably true that as a result of better protection the domestic production will be increased, better seed will be available to those who buy it—and this includes the majority of our farmers—and the producers will be assured of a more stable price.

Third. The same argument applies to alsike-clover seed. The imports in 1928 were 6,786,000 pounds. The domestic production in 1927 was 22,500,000 pounds.

Four. Sweet-clover seed is offered in the United States at prices below what our producers can meet, especially in the Lake region, and where the lower Canadian railroad rates give the foreign producers an advantage. An additional cent per pound duty will afford fair protection to our sweet-clover-seed growers.

Sweet clover is one of our best soil-building crops. The production of seed should be fostered. The domestic producers want a fair competitive chance and that is all that is requested.

CONCLUSION

Let us have amendments to the bill that will increase the duty on these items that I have specified and also on other agricultural products that Representatives from other States are zealously recommending to the committee. Let us also eliminate from the bill the proposed duty on building material, ropes, and material from which it is made, and the other articles that the farmer buys in large quantities so as to decrease his costs in the operation and management of his farming enterprises.

There must be an equitable balance between agriculture and industry. Here is the place and now is the time to do this. The entire country will benefit from a rehabilitated agriculture. The party platform will be fulfilled and the President's intent will be recognized.

Our task is to give to agriculture its rightful share of our great national income. In so doing we shall succeed in helping to solve our greatest domestic problem.

Mr. CLANCY. Mr. Speaker, several days ago I appeared before the Ways and Means Committee of the House when it was sitting in executive session and protested vigorously against the increase in tariff in the Hawley-Smoot tariff bill over the Fordney-McCumber tariff bill on blackstrap molasses.

I cited then the protests and emphatic objections from some of the basic industries of this country and from some of the leading factories of the world located in Michigan to this drastic increase. We protested because it means an increase of from 6 to 8 cents per gallon on industrial alcohol both pure and denatured. This alcohol ranks as one of the basic necessities of life, outside of beverage alcohol except what is used in drugs and medicines.

I cited the strenuous objection of the Ford Motor Co., the largest automobile manufacturers in the world; and of Parke, Davis & Co., the largest drug and pharmaceutical company in

the world; and of Berry Bros. Varnish Co., the largest varnish factory in the world. Great American factories supporting this stand of the above are the Chrysler Motor Car Co.; the Briggs Manufacturing Co., which builds automobile bodies; the National Paint, Oil, and Varnish Association, representing hundreds of manufacturers; the Dibble Color Co., of Detroit; the Acme White Lead & Color Works; Frederick Stearns & Co., large drug manufacturers of Detroit; Hy-Tone Products Co., manufacturing chemists of Detroit; C. E. Jamieson & Co., manufacturing chemists; and others.

These all agree that the cost of living would be raised to the farmer on the necessities which he buys from these manufacturers and to all other American citizens, as well as to foreigners, to whom they sell all over the world. One of the results would be that other foreign competitors would be given an advantage in the markets of the world. They also declare that the farmer producing corn, for whom advocates of the increased tariff were presumed to be speaking, would not gain in the long run, because the 1,200 per cent increase would give an advantage to other competitors, notably manufacturers of synthetic alcohol.

These Corn Belt advocates were not satisfied with the 1,200 per cent increase, namely, an increase of one-sixth of a cent per gallon on blackstrap molasses to 2⅙ cents per gallon, but were asking before the Ways and Means Committee a further increase of 8 cents per gallon. This would be a 4,800 per cent increase and would raise the cost of industrial alcohol 24 cents per gallon. So far as I can learn, the Ways and Means Committee were turning a stone-deaf ear to this 4,800 per cent increase.

PRESENT INCREASE USELESS

These high-increase advocates claimed that the 2-cent increase would be of no avail to the Corn Belt. Note the following colloquy of one of these advocates, Representative WILLIAM E. HULL of Illinois, and an opponent, Representative EARL MICHENER, of Michigan. The excerpt is from Mr. HULL'S speech in the House on May 20, 1929, and is taken from page 1560 of the CONGRESSIONAL RECORD:

Mr. WILLIAM E. HULL. * * * There are several distilleries equipped to make alcohol out of corn if they want to use them.

Mr. MICHENER. Who owns those distilleries?

Mr. WILLIAM E. HULL. Most of them are owned by the same people who own the molasses distilleries. Part of them are not.

Mr. MICHENER. If they are, then it would be up to these same people to open those distilleries.

Mr. WILLIAM E. HULL. Exactly so; and if you put a tariff of 8 cents on blackstrap they will go out there and open them all up.

Mr. MICHENER. Will they open them with a tariff of 2 cents?

Mr. WILLIAM E. HULL. No; they must have an 8-cent tariff.

Mr. MICHENER. Is the 2-cent tariff of any value so far as distilling is concerned?

Mr. WILLIAM E. HULL. No. * * *

TARIFF COMMISSION OPPOSES INCREASE

Occasionally the remark is made that the proposed new schedules in the tariff bill now being debated are "scientific." Of course, this does not apply to the blackstrap molasses 1,200 per cent increase, for one of the best reasons in the world. It is not recommended by the Tariff Commission.

Moreover, Mr. W. N. Watson, chief of the chemical division of the Tariff Commission, is flatly opposed to the 2-cent increase. In a report which I have just obtained from him he shows that a 1-cent increase would not help the Corn Belt, it would increase the cost of living all along the line, and that it would promote the development of synthetic alcohol. In his report he says:

A high duty on blackstrap molasses would divert molasses from Cuban plants to Europe, where both Germany and Great Britain have established molasses-alcohol plants. A high rate of duty on molasses with a subsequent increase in the cost of alcohol would also result in many of the rates of duty in the pending tariff bill on alcohol products being entirely out of line. The importation of alcohol from foreign countries is not now permitted. Competition, however, from imported alcohol derivatives would result, following the wide spread in the price of alcohol in the United States and Europe.

The competition from imported alcohol products might include such items as (1) ethyl acetate, an important derivative of alcohol used as a solvent, the value of which in 1927 amounted to $3,900,000; (2) ethyl ether, the principal anesthetic now in use; (3) pyroxylin products; (4) certain types of rayon. One domestic rayon plant alone used about 3,000,000 gallons of alcohol per year.

The domestic cost of all articles requiring alcohol would increase as the price of alcohol goes up.

EFFECTS OF HIGH DUTY ON BLACKSTRAP

The important results of a high duty on blackstrap molasses follow:

1. The raw material cost alone per gallon of alcohol would be increased 2.7 cents per gallon of alcohol for each 1 cent duty per gallon of blackstrap. (One gallon of alcohol requires 2.7 gallons of blackstrap.)

2. The total additional cost per gallon of alcohol is estimated at no less than 3 cents for every cent duty on blackstrap in order to include the increased overhead.

3. The present molasses alcohol plants would continue to use molasses and add the increased prices to the finished article, with, however, a decline in sales owing to substitution.

4. Higher-priced alcohol would result in extensive substitution by other products, especially in the principal market, namely, the antifreeze automobile trade.

5. Commercial production of synthetic alcohol would be established on a large scale.

6. The molasses-alcohol industry will be threatened by synthetic alcohol.

7. The existing grain-alcohol plants would operate at maximum capacity.

8. There would not be a complete shift from molasses to corn for alcohol manufacture, due to the fact that capital would hesitate to invest in the establishment of new grain plants in the Corn Belt, due to synthetic alcohol.

9. The increased price of alcohol would be reflected in a multitude of articles used by practically every citizen in the country.

Ethyl alcohol ranks first in quantity and value of production of all organic chemicals. It is a basic raw material in the chemical and allied industries and finds application in a multitude of products.

USES OF ALCOHOL

Among the more important uses of denatured alcohol (tax free) are—

1. An antifreeze for automobiles.

2. A solvent and raw material in the cellulose industries—that is, lacquers, pyroxylin plastics, rayon, and photographic films.

3. Manufacture of shellac and varnish.

4. Pharmaceutical preparations.

5. Toilet and perfume preparations.

6. Miscellaneous uses.

During the war large quantities of alcohol were used for the production of smokeless powder and also mustard gas; the latter was one of the three principal toxic gases made and used during the World War.

An approximate distribution of denatured alcohol by uses follows:

	Wine gallons
Antifreeze	40, 000, 000
Cellulose industries	25, 000, 000
Shellac and varnish	8, 000, 000
Toilet and perfume preparations	5, 000, 000
Miscellaneous	10, 000,000 to 15, 000, 000

In addition, pure alcohol (not denatured) is used in pharmaceutical products. The total tax-paid alcohol withdrawn in 1928 was over 4,500,000 wine gallons.

CAPACITY OF DOMESTIC PLANTS

The total available alcohol capacity in the United States is about 220,000,000 wine gallons, of which about 15,000,000 wine gallons is grain capacity and the balance, 205,000,000 wine gallons, molasses. The annual consumption is about 100,000,000 wine gallons, or somewhat less than one-half of the present capacity.

CAPITAL INVESTED

The capital invested in molasses-alcohol plants is about $55,000,000 and in grain-alcohol plants about $5,000,000.

RAW MATERIALS

Blackstrap molasses and corn are the two principal raw materials used in the manufacture of alcohol. Most of the blackstrap molasses consumed is imported from Cuba.

During the last 20 years there has been a shift from corn to molasses as a raw material for alcohol; concurrently industrial alcohol has become of increasing importance.

Corn and molasses used in the manufacture of alcohol

[From report of the Commissioner of Internal Revenue and Commissioner of Prohibition]

Fiscal year	Corn	Blackstrap molasses
	Bushels	*Gallons*
1910	20, 547, 427	42, 293, 073
1912	23, 016, 759	61, 605, 281
1916	32, 069, 542	152, 142, 232
1921	4, 810, 517	118, 363, 629
1926	7, 948, 184	267, 404, 218
1927	8, 383, 041	211, 518, 647
1928	6, 189, 264	213, 629, 803

Assuming it were commercially feasible to convert the molasses coast plants to grain-alcohol plants, an additional capital investment would be required of at least $10,000,000, or an additional investment of 10 to 20 cents per gallon capacity. The location of these coast molasses-alcohol plants, however, is unfavorable to the use of corn on account of the high transportation cost on corn to the coast. The freight on corn from Iowa to New York is 27.5 cents per bushel. The freight on corn from Iowa to the west coast is 42.5 cents per bushel, and from Cairo, Ill., to New Orleans—by water—is 11.4 cents per bushel. In other words, the freight cost on corn alone for plants located at New York is about 10 cents per gallon of alcohol produced, and in the case of plants at New Orleans about 4.6 per gallon.

In order to supply the domestic consumption of alcohol from corn, additional plants would be necessary in the Corn Belt, with an investment of about $30,000,000. The outstanding reason against the investment of capital in new grain-alcohol plants in the West is the advent of synthetic-ethyl alcohol, which has already developed in Europe.

SYNTHETIC ALCOHOL

At least two domestic chemical firms have already carried the process through the experimental stage. A permit has been granted by the Commissioner of Prohibition to conduct a one month's—May, 1929—commercial test on synthetic alcohol at the plants of the Carbon & Carbide Chemical Co. at Charleston, W. Va.

Synthetic alcohol can be made from—

1. Natural gas.
2. Calcium carbide.
3. Ethylene from blast furnace gas.

As far back as 1921 one plant in Germany was erected to make synthetic alcohol, with a capacity of one-half million gallons per year, and another plant was erected in upper Bavaria.

The cost of production of synthetic alcohol in England was reported in 1922 at about 30 cents per gallon. Domestic costs of synthetic alcohol are not shown. Estimates indicate a cost of about 35 cents per gallon.

SUBSTITUTION

Another important factor resulting from the increased cost of raw material for alcohol, whether it be molasses or corn, is the question of substitution of other products for alcohol. The principal use of denatured alcohol is as an antifreeze, taking about 40,000,000 gallons out of about ninety-odd million gallons production per year. Keen competition is now encountered in this field from glycerin and prestone (ethylene glycol). Furthermore, synthetic methyl or wood alcohol has been developed on a large scale during the last two years, and this promises to be another competitive factor in the alcohol antifreeze market.

Henry Ford is the best friend the American farmer and every other farmer in the world has. He would not willfully oppose anything that would help the American farmer but he is emphatically opposed to this 1,200 per cent increase on industrial alcohol. For many years he has given deep thought to the economical production of industrial alcohol and he can speak as an expert on the subject. He has instructed his executives to protest this increase on blackstrap molasses. At this point I wish to insert telegrams and a letter from the Ford official authorized to speak for the company:

MAY 10, 1929.

Congressman CLANCY,
House of Representatives, Washington, D. C.:

Our Mr. English will visit your office to-day with reference proposed duty blackstrap molasses. We feel increase of 1,200 per cent above present rate unjust. This would increase cost industrial alcohol about 6 cents per gallon. This is indispensible raw material for automotive industry. Any cooperation you extend to our representative will be appreciated.

C. E. SORENSON,
Ford Motor Co., Dearborn, Mich.

MAY 10, 1929.

Hon. ROBERT H. CLANCY,
House of Representatives, Washington, D. C.:

We respectfully urge consideration at your conference, subject blackstrap molasses duty, on which has been suggested increased from one-sixth cent a gallon to 2½ cents a gallon. Only excuse offered is protection of 8,000,000 bushels of corn which was used last year; and should this duty be imposed, according to testimony not one additional bushel would be consumed pending decision manufacturers' change equipment to manufacture synthetic alcohol. Our viewpoint synthetic alcohol when manufactured destroys value of 8,000,000 bushels corn now used. Any large increase in duty molasses would force manufacture synthetic alcohol.

R. B. ENGLISH,
Assistant Manager Washington Branch Ford Motor Co.

MAY 13, 1929.

Hon. ROBERT H. CLANCY,
United States House of Representatives,
Washington, D. C.

SIR: The Ford Motor Co., whose principal plants are located in the State of Michigan, begs to direct your attention to the language of paragraph 502, H. R. 2667, imposing a discriminatory duty on blackstrap (nonedible) molasses when used for distilling purposes. The duty proposed increases the present rate approximately 1,200 per cent, thus raising the cost of alcohol 6 cents per gallon for raw material alone.

The bill makes practically no change in the present tariff on the identical commodity when imported for stock feeds, yeast, and other commercial uses outside of distillation.

Our company uses about 100,000 gallons of alcohol per month, to produce which 270,000 gallons of molasses are required.

We respectfully submit that such discriminatory rate is unfair and unwarranted.

Industrial alcohol is essential in the manufacture of paints, varnishes, lacquers, and countless other products of national importance. According to governmental figures, over 40,000,000 gallons are used annually in nonfreezing solutions for automobile radiators.

As the same alcohol can be produced synthetically from blast-furnace gases, oil-cracking processes, and other nonagricultural sources, such discriminatory duty will have the effect of merely subsidizing the manufacturers in those fields without affording any benefit to the American farmer. It would also destroy the market for domestic farm products now employed for distillation purposes.

We respectfully urge a committee amendment as follows:

Strike out of paragraph 502, H. R. 2667, the words "or for distilling purposes" in lines 24 and 25, page 105 (committee print of bill May 7, 1929), and everything after the word "sugars" in line 1, page 106 of said committee print.

Respectfully submitted.

FORD MOTOR CO.,
R. B. ENGLISH,
Assistant Manager Washington Branch.

I also insert the following telegram from Parke, Davis & Co., the largest drug manufacturers in the world:

MAY 13, 1929.

Hon. ROBERT H. CLANCY,
House Office Building, Washington, D. C.:

Please inform the Committee on Ways and Means that we earnestly protest against the proposed duty on blackstrap molasses because such a duty will materially increase the cost of pure alcohol, which increased cost will be reflected in the price of prescription medicine, in the manufacture of which pure alcohol is absolutely necessary.

PARKE, DAVIS & CO., *Detroit.*

I also insert telegram from the National Paint, Oil, and Varnish Association.

MAY 10, 1929.

Congressman ROBERT H. CLANCY,
Washington, D. C.:

National Paint, Oil, and Varnish Association respectfully petitions for a committee amendment to paragraph 502 relieving chemical industries from the projected discriminatory duty on blackstrap nonedible molasses used for distilling purposes. Proposed rate would increase cost of industrial alcohol about 6 cents per gallon for raw material alone and would constitute nothing more or less than a subsidy on alcohol produced from nonagricultural sources. Higher-priced alcohol would be reflected in paints, varnishes, lacquers, and countless other articles of everyday life, enormous quanties of which are consumed by farmers.

H. S. CHATFIELD,
Chairman Industrial Alcohol Committee,
National Paint, Oil, and Varnish Association.

I also insert a telegram from Berry Bros. Varnish Co., the largest manufacturers of varnish in the world:

DETROIT, MICH., *April 22, 1929.*

Hon. ROBERT H. CLANCY,
Congressman, Washington, D. C.:

Vitally interested molasses tariff in so far as increase in duty will affect cost and probably curtail alcohol consumption. We heartily disapprove duty increase.

BERRY BROS.

OBJECTORS ARE HIGH GRADE

All of these conscientious objectors are manufacturers of the highest integrity. I can not recall when any of them have come into a tariff discussion at the time a new bill was being framed and have asked for tariff protection in the matter of increased rates. All they want is freedom from persecution and the opportunity to manufacture and sell, not only in the United States markets but all over the world, as cheaply as possible. They want the farmer prosperous, because when the farmer is very

sick from hard times we are correspondingly quite sick. They are opposed to this 1,200 per cent increase on industrial alcohol and the increase should be killed.

WOULD RUIN INFANT POTASH INDUSTRY

Another powerful argument against crippling the industrial-alcohol business is furnished by Bulletin No. 300, just published by the University of Maryland Agriculture Experiment Station. It shows that—

The proponents of an increased duty on blackstrap molasses for distilling purposes are probably not aware of the fact that they are threatening one of the few domestic sources of supply of potash—an essential ingredient in the manufacture of fertilizer. Both potash and sulphate of ammonia are regularly produced on a substantial scale as a by-product of molasses distillation—they can not be obtained when corn is substituted for molasses. Prior to the World War the entire supply of potash required in the manufacture of fertilizer was imported. When these importations were cut off a very acute situation developed because of the lack of this essential plant food. Agriculture suffered enormously. A tremendous amount of money was spent in an effort to develop domestic production of potash to rescue the agricultural situation. Recovery of potash from molasses was an important consideration in the search for domestic supplies. Upwards of 100,000 tons of potash material have been recovered as a by-product from molasses since the supplies were cut off by the war.

I now quote from the summary of the report:

Data reported in this paper show the importance of the alcohol industry as an actual and potential producer of potash salts.

Analysis of the product produced by this industry known as vegetable potash or Baltimore potash, shows that it contains available potassium in quantity sufficiently large to warrant its use in commercial fertilizers.

Analysis further shows that when the product is reenforced with nitrogen and phosphorus, making a complete fertilizer, a saline material is produced containing all the essential and critical elements required by plants.

A 3-year study of the influence of this product on yields of tomatoes, white and sweet potatoes, tobacco, and wheat grown on small plots showed it to be very beneficial for crop growth. Better yields were received when this product was used than when other standard carriers of potash were substituted in a fertilizer mixture for tomatoes, white and sweet potatoes, and tobacco. Wheat production, on the other hand, showed no gain when grown on the same soil treated with a fertilizer containing "vegetable potash," instead of other potash salts.

A 2-year test on field plots confirmed the results obtained by the small-plot studies. Better yields were obtained for tomatoes, white and sweet potatoes, and tobacco from plots receiving an application of a complete fertilizer containing "vegetable potash" than from mixtures where standard carriers of potassium were used.

Laboratory studies on the alcohol product showed that it contains a high percentage of water-soluble alkali.

CHILD LABOR OR CONVICT LABOR NECESSARY FOR SUGAR-BEET FIELDS

Mr. FREAR. Mr. Speaker, in a recent speech on sugar and the Great Western Sugar Co. the gentleman from Colorado [Mr. EATON] made reference to some of my statements affecting beet-field labor and then declared with emphatic reiteration that no children are employed in the beet-sugar mills or their offices. The familiar straw man is again knocked down because no one has ever so charged, but if Mr. EATON or anyone else denies employment of child labor in the beet fields of Colorado by the Great Western Co. his statement should be challenged because of two specific investigations held of these Colorado sugar-beet fields, one by the Department of Labor and the other by the Colorado Agricultural College, in which child labor is pictured in terms that invite the intervention of humanitarian officers to clear the good name of Colorado.

These labor conditions enabled the Great Western Sugar Co., of Colorado, that produces one-half of all the domestic sugar in the United States, to reap profits of 45 per cent annually on their common stock.

I have quoted at length from the two official reports named. In addition I have received several communications recently that deny in specific terms the claims of Representatives TIMBERLAKE and EATON as to child-labor conditions in Colorado. If correctly stated, no State in the country has such deplorable child-labor conditions as that in which the Great Western Sugar Co. now appears to have a commanding influence. For illustration, here is a letter received to-day from Denver which carries its own message:

HUMANITARIAN HEART MISSION,
Denver, Colo., May 17, 1929.

Hon. JAMES A. FREAR,
United States Congressman, Washington, D. C.

DEAR SIR: This morning Denver paper gives an account of the controversy in the United States Congress over the beet-sugar industry.

Mr. EATON quotes President Lory, of the Agricultural College; Chester M. Armstrong, secretary of state; William H. Young, acting chairman of the State Industrial Commission of Colorado; M. H. Alexander, State factory inspector; Anna G. Williams, executive secretary of the Social Service Bureau of Denver; and Eunice Robinson, secretary of charities for the city and county of Denver, Colo., as sending telegrams on the beet-sugar industry to the effect that the working conditions of Colorado sugar-beet workers was above the conditions in any other fields, with the inference that such conditions were ideal, when, in fact, both Mr. EATON and every person quoted personally know that the sugar-beet company violates the labor laws every day of the year that their common labor is employed.

Mexican labor is robbed on every hand; the rights of their children are violated every day. Mothers of nursing babies build "dog" hovels in the beet fields, where the mother can work long hours in the hot sun and get to the baby every hour or so to give it such milk as can be produced by a system working long hours in the hot sun, bending every fiber of her body to procure enough money to keep soul and body together, or until another crop comes in. A like condition has existed for 25 years among the Mexicans, Russians, Germans, and Japs, when they could get the Japs so poor they had to work.

All persons quoted as wiring Congress did so with a misrepresentation made to them by Mr. EATON, or some one else, or they willfully lied when they sent those telegrams. We desire that Colorado be prosperous, but if you Congressmen call it prosperity to pile up blood money, so extricated from the poorest, weakest, and most defenseless members of the human race, starved into subjugation, then we reluctantly say "To hell" with such prosperity.

I, the president of this organization respectfully request that an investigating committee be sent into the beet fields of Colorado, fully investigating the hiring and rotten working conditions here in this industry, and, further, that I and my witnesses be present that I may get the facts to your committee as they exist.

This woman, Anna C. Williams, secretary of the Social Service Bureau, the distributing agent of the Community Chest, well knows the horrible conditions that exist among the Mexicans in Denver during the winter, and is in position to know the working conditions in the beet fields of Colorado. They come in here with little money to carry them over a cold, long winter, and this executive secretary of the social service is either ignorant or deliberately misstated facts when she sent her message to Congress, and the same can be said of Eunice Robinson, secretary of charities for the city and county of Denver, Colo. Our chamber of commerce and State officials well know conditions among these poor people, how they are brought into the State from Old Mexico by bright promises, and the conditions that actually exist here and in the beet fields of this State. If the State officials and the charity workers, who wired the congressional committee are not ignorant of the existing conditions in the beet fields of Colorado, they have made a false statement in their effort to help put over a duty on sugar, and I challenge any one to prove that all that I have and will state regarding these working conditions to bring proof as to the existing conditions, and for all time to come establish the truth, so there can be no more debate on the matter, letting the blame fall where it may.

I found a poor Mexican family in a little room about 6 by 10 feet, and if memory serves me right, there were seven in the family, including a newly born baby, no chairs, no bed clothes—only to sleep on and for cover—with not enough food to keep them warm, on the ground and bitter cold, dipping stale bread in a can of clear water, claiming they had been living in this way for weeks and that the same Anna C. Williams had refused them help of any kind. The children, barefooted, not even stockings, the house No. 710, Curtis Street, Denver, Colo., and they told me the Great Western Sugar Co. brought them into Denver to work in the beet fields and they had to live on charity. I furnished them with bed, bed clothing, and food, and this gang of commercialized charity workers and beet-sugar companies refusing aid and the citizens helping them to keep soul and body together. I have seen many poor Mexican families, shipped from Old Mexico, as near starvation as it was possible and yet live. I have seen them taking refuse from the garbage wagons and the garbage cans, and those were shipped in by the sugar companies to work in the beet fields.

In one instance, I found 29 men, women, and children in one room on papers, using a bed mattress for a pillow, and the small children piled on the mattress and they too stated they were shipped from Old Mexico to Denver by the Great Western Sugar Co., to work in the beet fields as soon as the weather would permit, starved and almost frozen, all aid from the sugar companies, Anna C. Williams, and Eunice Robinson of the commercialized charities refused them. Many families I have talked with in the dead of winter, claimed to have been shipped in from Mexico by the sugar-beet companies. I have found these charity workers trying to break up their families and put the children out as slaves, and beg. I saw 20 or more coaches of Russians at Colorado shipped in by the Great Western Sugar Co, the floors of those coaches all covered one or two inches with sunflower seeds, and each family had a small sack of these seeds to eat, and nothing more to eat.

The system used in employing the Mexican in the beet fields is as follows: The contract is signed by the father to cultivate so many acres at a stipulated price per acre, and in order to carry out their contract the poor father, mother, baby, and children have to work long hours and in all kinds of weather to keep the contract and get their money for their labor. The poor Mexican has no choice; it is this or starve, and if they don't work the officers are put on their books. The very smallest children have to work hard.

Now, gentlemen, if this is not a disgrace that needs your attention in behalf of humanity and a thorough investigation I am nonplused and do not know what move to make to further help these poor, persecuted people. It would be an easy matter for me to write 1,000 pages on this awful condition brought on by the Sugar Trust and yet have material left to work with. I have personally investigated and know existing conditions.

They depend on Mexican labor, and there are very few other nationalities, as they can not put it over others as easy as Mexicans. They tell you they hire no children, but they hold down the price per acre and load the father with acreage so the little mites will have to work, and the companies are not hiring children, but all the same they have to work, and work long, hard hours to live. My organization is in no way connected with commercialized charity. I have fought them for many years in and out of court with my own money, not money collected for charities. None of my coworkers receive salary, but work, as I do, work for humanity.

I have found the Mexican fathers the kindliest to their children, and if they have abundance the children have abundance. I have known them to go hungry to give an abundance for their children. Their love for their families is proverbial, and they should be protected and not exploited. Watch the Mexican father go down the street with the baby in his arms, the mother relieved of the burden, and the beet-sugar companies and the commercialized charity workers yelling for a duty on sugar, but it does not help anyone but the sugar companies.

This organization is 100 per cent for humanity, and our mission is humanity, built on the teachings of Christ and His disciples. See Matthew 7 to 12.

UNITY HUMANITARIAN HEART MISSION (INC.),
H. H. MARRS, *President.*

I do not know anything regarding commercialized charity workers on a salary or of President Marrs, who works for humanity's sake, but it may explain why the farmers would hasten to inform Congress of what their employees wanted them to say, and that comparison is significant possibly for that reason. Certainly President Marrs's statement is clear and direct.

These letters are not from reports made several years ago, but they state existing conditions, volunteered without suggestion from myself, and are taken from a daily mail that is filled with communications of more or less value on this same child-labor subject. An investigation asked for in my resolution would determine the facts, providing the good angels of the sugar companies did not surround the investigators with other matters of interest than actual facts relating to child labor.

A second letter, following, in like manner, without suggestion from me of its possible use, is of much interest:

KNIGHTS OF COLUMBUS,
COLORADO STATE COUNCIL,
Longmont, Colo., May 15, 1929.

Hon. JAMES A. FREAR,
Representative Tenth District, Wisconsin,
House Office Building, Washington, D. C.

DEAR SIR: I have your letter of May 9, with inclosure. I have also received to-day a copy of the RECORD of May 9 containing your speech on that date dealing with the shameful child-labor and housing conditions in the Colorado beet districts.

I have lived in beet-growing districts since the industry started. The reports of the surveys made by the National Child Labor Committee, the Colorado Agricultural College and the United States Department of Labor are not overstatements. They are conservative. This I know from my own contacts and investigations, and long residence in beet-growing districts.

I have seen a copy of the RECORD of May 11 containing a speech by Mr. TIMBERLAKE, Congressman from our district, apparently in reply to your speech on child labor in our Colorado beet districts.

Many of his statements about working and living conditions are not true. While they may pass 1,500 miles from home, I doubt if Mr. TIMBERLAKE would have the "gall" to make some of them here in his own district before an open meeting.

The living and working conditions in the beet-growing districts are a disgrace to Colorado and to the communities in it that permit such conditions and abuses to continue to exist without protests.

Among the blessings that Mr. TIMBERLAKE enumerates as being enjoyed by the beet workers are "American standards of living, American wages, American schools."

The reports you quoted from give a fair idea of living standard among the Colorado beet workers. Our committee in our effort to improve housing conditions appealed to the State board of health to fix a standard for housing the beet workers. All we asked was that this State board make this standard equal to the minimum standard now fixed by law for the housing of dairy cows on these ranches.

So far we have been unsuccessful. If dairy cows in Colorado were housed as most of this beet help is housed, some one would find they were violating the health laws of the State.

As to wages, beet workers don't work for day wages to any extent. They work under a contract, $23 per acre for doing the hand work. The average earnings will average less than $200 per year for the adults, and less than $600 per year for the family, father, mother, and children from 7 years and up.

As to American schools more than 5,000 little Mexican and Spanish children (in TIMBERLAKE'S district), were out of school last year working beets. These children were from 7 years up. This is in violation of the Colorado compulsory school laws. This year, owing to the larger acreage, their number will be greatly increased. The reasons given are that the children are needed in the beets. Also there is a feeling that if the child is not required to be in school that the family may move out of the district in November or December and cost of educating them will be saved. As conditions are now, instead of having the benefit of American schools, illiteracy is being deliberately fostered.

I am very glad you are showing these features up in Congress and appreciate the work you have done in centering public interest on these abuses. Regardless of the tariff you have performed a real service for these helpless children and their parents.

Very truly yours,

THOMAS F. MAHONEY,
Chairman Mexican Welfare Committee, Colorado State Council.

MICHIGAN LETTERS

I have seen threatening letters signed by Michigan news publishers, one of whom consigned an opponent of the vicious Timberlake sugar schedule to "life imprisonment."

That punishment, not suggested in my case, is calculated to make anyone step tenderly when treading on sugar bunions. I shall try and do so, for the State is not responsible, I trust, for such unmailable letters.

When placing before the House labor conditions in Michigan, disclosed by an investigation by the Department of Labor, I recited child-labor conditions set forth in the report that explained a labor difficulty in successfully handling the sugar-beet industry in Michigan, Wisconsin, or other States now depending on "tariff protection" for their existence.

Herewith I append a report by Fred E. Janette, staff correspondent of the Detroit News. The article appears on page 17 of the News of May 15, and explains that convict labor seems now to be the sole dependence of the sugar-beet industry of Michigan. Personally I have offered to support a direct bounty for beet-sugar mills and the domestic-sugar industry of this country, but any tariff raise only serves to hurry the end, as I have repeatedly shown by statistics of imports from the Philippines and other islands.

I doubt if convict labor would invite support of legislators any more than child labor, but as the article deals specifically with persons and conditions that may properly affect the proposed tariff increase, I attach it herewith for your consideration. After disclosing serious trouble in beet-sugar labor conditions this article relating to Michigan sugar industries, is as follows:

[From the Detroit News, May 15, 1929]

Albert B. Cook, a leading farmer * * * is one of four beet growers who, partly of their own initiative and partly to supplement a campaign undertaken by the Owosso Chamber of Commerce, recently sent to Lansing to interest Gov. Fred W. Green in their problem. The others in the party were James McBride, Shiawassee representative in the legislature; Robert Hudson, a road contractor and farm owner; and William Cline, chairman of the Shiawassee County road commission, also a farm owner. The problem they laid before the governor was that of labor for the beet fields, and their specific proposition was that some of the prison labor housed in the State highway camps be drawn on to meet the emergency.

"It is a real emergency," said Mr. Cook, discussing the problem at his farm home, 6 miles south of Owosso. "Cultivating and harvesting beets is not a real American farmer's job. The crop has to be weeded by hand. Nobody has been able to devise machinery to do it. It is a toilsome and a dirty job.

LABOR UNOBTAINABLE

"The harvest season is late and weather conditions are often bad. Foreigners from the south of Europe, with their families, and Mexicans have been the mainstay of the field industry in the past, but that labor now is scarce.

"We don't know yet whether, even if prison labor is furnished us growers, enough will come in to enable the local plant to operate at all this season. They must have the yield from at least 6,000 acres to do

it. Some farmers are saying that, if assured of the labor, they will put in the beets. Some others say that they won't have prison labor on their farms; but I do not believe, in view of the excellent labor and conduct records those men have made in the road camps, that there will be any real objection to prison labor if we can get it.

"We are assured by Governor Green that he realizes the farmers' need and that he is interested in seeing what can be done for the industry with labor from the camps. The project for the area, that of the Owosso sugar factory, is to get 100 men out of the road camp at Ovid for a start. One hundred men can take care of 500 acres of beets. This 500-acre area will have to be contracted for not more than 20 miles distant from the camp."

Warden Henry H. Jackson, of the Michigan State Prison at Jackson, was consulted.

TRIAL IS SUGGESTED

"The details remain to be worked out," said he, "but the disposition is to give the project a fair trial. I understood from the first conference held the desire is to get 500 men into the beet fields, drawing on the camp at Ovid and the one at Mount Pleasant. Probably if this is done 100 men from the Ovid camp will start the ball.

"It probably can be done. We know something about sugar beets here at the prison. We grew sugar beets at one time on the prison farms, on the flat lands along the Grand River. We traded in our beets at the Lansing sugar factory and took out sugar for inmate use."

The sugar factories pay for field labor, direct or through the farmers, $23 an acre per man per season, the warden was told by Mr. Cook.

The warden made a few computations and said:

"It looks to me as though an arrangement could be made, considering the costs to the State of prison labor—that is, maintenance of men and camps and costs of operation—an arrangement by which labor could be furnished at a cost no greater to the beet industry than it has been accustomed to pay. I understand that the governor wants to give it a trial, and I have given orders for the enlargement of quarters at the Ovid camp sufficient to accommodate an extra 100 men. We shall then have 400 men at Ovid."

EXTRACT FROM OTHERS TO SAME EFFECT—THIS IS FROM AN OFFICIAL COLORADO STATE PUBLICATION

Other and more recent statistics have been made of the children working in the beet-sugar farms in northern Colorado, and I have before me a publication entitled "Series 27," issued November, 1926, by the Colorado Agricultural College, Fort Collins, Colo. It comprises 160 pages on child labor. It would be impossible for me to more than touch upon conditions as related by this book, but again I invite your attention to pages that recite unbelievable conditions now existing in sugar-beet fields carried on by the Great Western Sugar Co. in Colorado. Remember again this is Colorado testimony. Quoting from page 35 of this publication it states:

Nine children were found working at 6 years of age, 2 of these being children of owner, 3 of tenant, and 4 of contract families. There were 28 children working at 7 years of age, 22 of whom were from the contract family. There were 91 8-year-old workers, 73 of whom were contract children, 11 tenant, and 7 owner. The largest number of workers of any age was at 14, where we found 164. This is not at all significant, as 161 children were working at 12, 155 at 13 years.

More than 1,000 working children of all ages and tenures worked in the handwork of crops an average of 8.3 hours a day for an average of 44 days. This included all children from 6 to 15 years of age, and it included many children who worked for a very short time and for a very few hours per day * * * (p. 37).

Among the 6-year-olds, one worked 14 hours a day, two 12 hours a day, and one 10 hours a day. (In a State that boasts of its high standards and in a country where American labor and union rules have recognition.) Among the 7-year-olds, one worked 13 hours a day, three worked 12 hours a day, one 11 hours, and five 10 hours a day. Of the 9-year-olds, one worked 14 hours a day, two 13 hours, ten 12 hours, fifteen worked 11 hours, and forty-three worked 10 hours a day. Among the 12-year-olds, seven worked 14 hours, four 13 hours, fifteen 12 hours, twenty-two 11 hours, and sixty 10 hours (p. 38).

This is taken from an official Colorado agricultural publication that describes working conditions in the Great Western Sugar Co. beet fields. I submit they are nowhere worse in the world than in the State of Colorado.

Again I quote:

Two Mexican children worked 16 hours a day, 1 German and 13 Spanish working 14 hours a day; 13 Germans and 10 Mexicans working 13 hours a day, and so on * * *.

Union labor is contending for seven and eight hour days and five days a week. Is it possible that union labor and the American Federation of Labor alone need protection, or will its officials close its eyes to the scandalous condition found among these children who work among American sugar-beet fields? Page after page is given over to such children and also to their families. It is largely a repetition of conditions related in the Department of Labor publication, but I quote a paragraph from page 90, which sounds familiar to those who are seeking the facts:

The contract houses are usually unattractive, frequently in bad repair; often without screens, often in a dirty condition to begin with. One-fourth of them are old. Often surroundings are dirty, and frequently the houses are too close to barns or corrals. The toilet (always outdoor) is frequently little short of indecent in condition and repair. Granted that the conditions are as good or better than in the previous homes of the people under consideration, it becomes a question of American ideals and standards.

So says this Colorado agricultural publication.

This is not only for the inspection of labor officials, but calls for words of explanation from the Great Western Sugar Co., to which I will briefly refer later. On page 91 it states:

I find that the average number of persons per bedroom among the owner families is 1.91; among tenant families, 2.4; owner additional, 2.4; wage, 2.5; and contract, 4 * * *.

MANY TALES OF MISERY FOR SUGAR PROFITEERS

Of the 296 contract families in the study 19 lived in 1-room shacks. Of these 19 families in 1-room shacks there are in two of them 3 persons; in two others, 4 persons; in three others, 8 persons; in one 1-room shack, 6 persons; in four 1-room shacks, 7 persons; in three 1-room shacks, 8 persons; and one other, 12 persons. Nine of these 1-room shacks house 6 or more persons, one houses 12 persons, and a lean-to tent is provided for the hired man. Thirteen of these families are of Spanish descent and 6 are Russian-Germans. * * * There are no bath facilities in any of these houses * * *.

COPY OF LETTER SENT CONGRESSMEN GENERALLY

MAY 14, 1929.

DEAR SIR: In a recent letter we referred to the 100,000 Mexicans employed in the sugar-beet fields where they grub for beets on their hands and knees. This situation has created a distinct social problem.

In the May number of the North American Review there is an important article by Prof. S. J. Holmes, of the University of California, in which he states that by bringing in these alien people we are sacrificing our children for theirs, and that numerous Americans "are busy in helping along this insidious elimination of their own breed in favor of the progeny of Mexican peons who will continue for centuries to afflict us with an embarrassing race problem. It is difficult to conceive how they could do their country a greater disservice." Holmes says that the Commissioner General of Immigration reports that the number of Mexicans legitimately coming to the United States in 1927 was 66,766 and states that many more slip across the border. Los Angeles County alone has 225,000 Mexicans. There are 10,000 even in Chicago. They are all over the Middle and Far West. The Commissioner General of Immigration admits that there is a vast excess of admissions over departures.

The president of the Humanitarian Heart Mission, writing on conditions in Denver, says: "The sugar-beet company employs the very poorest and most ignorant Mexicans with large families; brings them to Denver, working them in the beet fields until snow flies. These unfortunates then congregate in Denver with $15 or $20 to keep a large family and no possible means of support by labor through the winter season."

From Dallas, Tex., we learn that "Here in Dallas we have a colony of 10,000 or 15,000 Mexicans, and we are called upon to feed them whenever the slightest depression occurs in business."

In 1926 the California Commission on Immigration and Housing reported to the governor that the Mexicans become a public charge under slight provocation and are a great burden to all California communities. The outdoor relief division in Los Angeles finds that 27.44 per cent of its cases are Mexicans. The Catholic charities report 53 per cent of their cases to be Mexicans. The city maternity service uses 73 per cent of its budget on these Mexicans.

This is the sort of labor that is used in the beet fields, and upon which the beet-sugar industry is dependent, according to its testimony in the hearings on the Box bill.

Very truly yours,

M. DORAN, *Secretary.*

I am introducing a memorandum placed on my desk this morning which purports to carry extracts from the CONGRESSIONAL RECORD on sugar, and, although not checked as to quotations or data, it is probably more accurate than propaganda received from the United States Beet Sugar Association, which deliberately misrepresented the position of William Green, president of the American Federation of Labor, and drew from him a scathing denial of any approval of the Great Western sugar schedule or of sympathy with any sugar increase or of working conditions in Colorado.

Making due allowance for interested agencies, I believe that any propaganda, however inspired, that carries important information to lawmakers is worthy of inspection; and, if properly

corroborated, is of value. It is on that basis, and that alone, I accept what often proves to be helpful evidence.

Such is afforded in the extracts quoted from the memorandum of this day, as follows:

INCREASED SUGAR TARIFF—INTERESTING FACTS FROM THE RECORD

Representative RAMSEYER, Iowa (p. 1344): "So the question presents itself, Will you increase the beet-sugar area by steeping the duty to the amount that is recommended in this bill? And if so, are you willing to pay the price? The consumer has to be taken into consideration." (The farmers are the largest consumers of sugar in the United States. Iowa has two beet-sugar factories listed in the Sugar Industry Reference Book. Iowa has about 3,000,000 consumers of sugar, average consumption 100 pounds.) What is the answer?

Representative LAGUARDIA, New York (p. 1302): "Now why does it [sugar tariff] concern me so much? Gentlemen, sugar is a necessary of life. We consume in New York City no less than 677,300,000 pounds of sugar every year. * * * You can not justify this increase in the tariff on sugar."

Representative RAINEY, Illinois (p. 1146): "If this bill becomes a law as it is, you will have an annual charge on the people of the United States on this one item alone [sugar] of $300,000,000 a year. * * * That is an awful price to pay * * * this nonexistent industry dependent for its labor on Mexico and children, depending for its beet seed upon Germany."

Representative TIMBERLAKE, Colorado (p. 1400): "It would be only justice to say that in Colorado the Great Western Sugar Beet Co. * * * will not permit a contract to be made where child labor below 12 years of age is employed. If the grower of beets employs labor below 12 years of age they are never given a contract."

(Answer.) From Colorado Agricultural College Series 27, November, 1926, RECORD, page 1228 (Survey of Weld and Larimer Counties, Representative TIMBERLAKE'S district): "Nine children were found working at 6 years of age, 28 children working at 7 years of age; 91 eight-year-old workers"; and over 1,000 children of all ages apparently from the record, 50 per cent of whom were 12 years or under.

Representative COLE, Iowa (p. 1477): "Did the gentleman [Mr. EATON] hear the letter written by President Green * * * in which Mr. Green * * * said that because of low wages in the sugar industry * * * he was not interested in the development of sugar-beet culture?"

(Answer) From President Green's letter (p. 1455): "In my opinion, the increase in the sugar schedule is unjustifiable and indefensible. It would levy an unfair tax upon millions of workers * * * for the purpose of protecting an industry which the facts show employs women, children, and Mexican labor at indecent wages and intolerable conditions of employment."

Compare the above statements in the same RECORD. Which is correct?

Representative EATON, Colorado, summed up: "Aw, say, out in the West, where men are men, this Mexican child labor stuff is all bunk."

Representative TREADWAY, Massachusetts: "More people in the United States will be hit by it [sugar tariff] than by any other item in the bill. I am much against the increase in rates (p. 1280)."

Representative FREAR, Wisconsin (p. 1232): "The Great Western Sugar Co.'s original investment of only $15,000,000, with split-ups and present stock values, received a return of $156,372,410 on the original investment, or $1,042.48 for each $100 invested, an average annual return of $43.43 for each $100 investment since the company was started.

"This company manufactures 1,000,000,000 pounds, one-half of all our domestic sugar, and has over one-half of its factories in Chairman TIMBERLAKE'S district. An increase of only 1 per cent per pound will bring $10,000,000 increase annually to this one company.

"What is the answer of consumers to the proposed sugar increase?"

Again I submit a bill that I believe will permit the sugar-beet industry to prosper. It is only suggestive in character but a direct bounty law alone will preserve our domestic-sugar industry.

H. R. 1641

Mr. FREAR introduced the following bill; which was referred to the Committee on Ways and Means and ordered to be printed

A bill to amend paragraph 501 of Schedule 5 of an act entitled "An act to provide revenue and regulate commerce with foreign countries and encourage the industries of the United States, and for other purposes," approved September 21, 1922.

Be it enacted, etc., That on and after July 1, 1930, there shall be paid, from any money in the Treasury not otherwise appropriated, under the provisions of section 3689 of the Revised Statutes, to the producer of sugar testing not less than 98 degrees by the polariscope, from beets, or sugar-cane, or corn grown within the continental United States, a bounty of 2 cents per pound; and upon such sugar testing less than 98 degrees by the polariscope, a bounty of 1½ cents per pound, under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

The producer of said sugar to be entitled to said bounty shall have first filed prior to July 1 of each year with the Commissioner of Internal Revenue a notice of the place of production, with a general description of the machinery and methods to be employed by him, with an estimate of the amount of sugar proposed to be produced in the current or next ensuing year, and an application for a license to so produce, to be accompanied by a bond in a penalty, and with sureties to be approved by the Commissioner of Internal Revenue, conditioned that he will faithfully observe all rules and regulations that shall be prescribed for such manufacture and production of sugar.

The Commissioner of Internal Revenue, upon receiving the application and bond hereinbefore provided for, shall issue to the applicant a license to produce sugar from beets, sugar-cane, or corn grown within the continental United States at the place and with the machinery and by the methods prescribed in the application, but said license shall not extend beyond one year from the date thereof.

No bounty shall be paid to any sugar producer, or to any company or corporation of sugar producers otherwise eligible to receive the bounty, provided any children under 16 years of age are employed or are required to work more than eight hours in any one day, either in the production of the beets, sugar cane, or corn to be used in the production of sugar, or in any of the sugar-making operations.

No bounty shall be paid to any sugar producer whose net profits from sugar production during the last preceding year shall have exceeded 7 per cent of the capital invested.

No bounty shall be paid to any person engaged in refining sugars which have been imported into the United States, or produced in the United States upon which the bounty herein provided for has already been paid or applied for, nor any person unless he shall have first been licensed as herein provided, and only upon sugar produced by such person from beets or sugar cane or corn grown within the continental United States. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall from time to time make all needful rules and regulations for the manufacture of sugar from beets, sugar cane, and shall, under the direction of the Secretary of the Treasury, exercise supervision and inspection of the manufacture thereof.

And for the payment of these bounties the Secretary of the Treasury is authorized to draw warrants on the Treasurer of the United States for such sums as shall be necessary, which sums shall be certified to him by the Commissioner of Internal Revenue, by whom the bounties shall be disbursed, and no bounty shall be allowed or paid to any person licensed as aforesaid in any one year upon any quantity of sugar less than 500 pounds.

That any person who shall knowingly refine or aid in the refining of sugar imported into the United States or upon which the bounty herein provided for has already been paid or applied for, at the place prescribed in the license issued by the Commissioner of Internal Revenue, and any person not entitled to the bounty herein provided for who shall apply for or receive the same, shall be guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine not exceeding $5,000 or be imprisoned for a period not exceeding five years, or both, in the discretion of the court.

On and after July 1, 1930, all sugars imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, Porto Rico, the Virgin Islands, and the islands of Guam and Tutuila) testing above 97 sugar degrees by the polariscope shall pay a duty of 1½ cents per pound; testing 97 sugar degrees or less by the polariscope, 1 cent per pound: *Provided*, That all sugars testing by the polariscope above 90 degrees shall pay one-tenth of 1 per cent per pound in addition to the rates herein provided for when exported from or the product of any country when and so long as such country pays, or shall hereafter pay, directly or indirectly, a bounty on the exportation of any sugar of like polariscopic test which is greater than is paid on raw sugars of a lower saccharine strength; and the Secretary of the Treasury shall prescribe suitable rules and regulations to carry this provision into effect.

Nothing in this act shall be construed to abrogate or in any way modify or change the reciprocal relations existing between the United States and the Republic of Cuba.

All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Mr. DEROUEN. Mr. Speaker, under the general leave to Members to extend their remarks on the tariff bill, I desire to contribute a few remarks in connection with paragraphs 727 and 1754, both dealing with rice. However, I may state that in my district we are also concerned with cotton, sugar cane, and minerals.

When the last tariff bill was passed (1922) a serious injustice was done to the rice industry by leaving out the definition of "broken rice," and this definition was carried in every tariff act for the last 30 years. However, I am fully convinced that it was not intentional, and was merely done to shorten and simplify the wording of the bill as finally passed.

The loose definition (contained in the 1922 act), something at a variance with all commercial usage, has given the rice industry of this country a great deal of trouble. I have personally seen samples of thousands of bags of Mexican rice in New Orleans, La., that is of a very high quality, which was admitted into this country at a duty of 50 cents per hundred pounds, when the duty should have been $2 per hundred pounds, within the meaning of the act. There were thousands of bags of foreign rice imported through Charleston, S. C., where the duty was only 50 cents, for the same reason as stated.

It is clearly a matter that should be corrected, and it is corrected in the present tariff bill under consideration. I submit for your information and consideration the following:

We requested a slight advance of about 25 per cent for many reasons, chief among which are—

(a) Official statistical information shows conclusively that the present rates are not adequate to properly protect our producers. This information shows that there is an annual average importation of foreign rice of 67,922,275 pounds, and these figures would be tremendously increased if it were not for the extreme low prices of domestic rices.

(b) The Department of Labor has made a comparison of retail prices of 22 staple food commodities, using the year of 1913 as a pre-war basic price at 100. They show for December, 1928: Bacon, 198.5; round steak, 191.5; corn meal, 176.7; bread, 160.7; flour, 154.5; and rice, the lowest product listed, 113.8; and an average of 22 commodities of 155.8. It is obvious that the price of rice must be raised to put the American rice farmer on a parity with his fellow agricultural workers.

(c) All such commodities as farm machinery, fuels, oils, building materials, clothes, and other necessities that the rice farmer must purchase have a much higher index number than rice and must be purchased with his low-price goods.

(d) The financial condition of the producers is very distressing, even though the past two years they have been fortunate in making fair yields and harvesting same under good conditions. As an aftermath of the World War and the tremendous deflation of all commodities, rice was probably injured to a greater extent than any other crop, since on that particular year the largest crop that had ever been produced was harvested and sold for less than one-third of the cost of its production. Since that time implements and livestock are wearing out and there has not been sufficient profit to adequately renew them.

(e) Taxes have increased manyfold, and the bulk of those taxes fall upon the lands.

Second. As an indication of the importance of the rice industry in the United States I cite a few of the most important items below:

(a) The harvested acreage in 1928 was 965,000 acres, which produced 41,881,000 bushels, having a value of 88 cents per bushel, or a total crop value on December 1 on the farm of $37,077,000.

(b) The 1919 census shows 9,548 farms in the United States on which rice was the chief crop produced. The 1925 census reports are the basis of a very careful estimate as to the number employed in producing rice, and it was found that approximately 106,700 persons were so employed. The same census reports were a basis for a careful and conservative estimate as to the capital invested in the production of rice, and it was found that same amounted to approximately $174,675,000, and this figure includes only the value of the land, buildings, livestock, implements, and machinery, but does not include irrigation projects.

(c) In regard to irrigation the 1919 census shows 3,475 projects or enterprises capable of irrigating 1,361,633 acres, with canals and laterals aggregating 4,993 miles and representing $31,869,756 invested.

(d) In cleaning and polishing (milling) of the crop the census of manufacturers' report of 1927 shows 60 commercial establishments not including numerous small plantation plants. In these there were 1,524 daily-wage earners, and according to the census report of 1925, there were an additional 585 monthly or yearly employees. The total wages and salaries paid 2,109 employees were $2,678,239. By estimating conservatively five persons per family it is here seen that there are 10,545 persons dependent for a livelihood from employment in the rice mills. Official figures are not available to show the amount of capital invested in the commercial rice milling plants, but a fair and conservative estimate of same would be approximately $13,000,000.

(e) From the above it will be seen that there are approximately 117,000 persons engaged in or dependent upon rice producing and rice milling for a livelihood, and in round figures is about $220,000,000 capital invested in the producing, irrigating, and milling of rice. This, of course, does not include such allied interests as manufacturers of farm and power machinery, bag manufacturers, brokers, dealers, railroads and other carriers, cellulose factories, paper mills, and many others who are vitally concerned

The rice industry developed in the United States from its introduction in 1694 at Charleston, S. C., first along the Atlantic seaboard; then about 1890 it became an important crop in Louisiana, spreading into east Texas in the late nineties, into Arkansas in 1906, and to California in 1916. The most recent expansion has been into Missouri and Illinois in 1925.

It has been estimated in the United States Department of Agriculture Farmers' Bulletin No. 110 that in the Gulf States alone there are 10,000,000 acres of land, the soil of which is suitable for rice culture. Of this, 3,000,000 acres are so situated as to be easily irrigated. If we add to this acreage in Arkansas, Missouri, Illinois, and California it can be conservatively estimated that there is a potential rice acreage in the United States of 5,000,000 acres, which could be economically irrigated. If we assume that only half of such acreage could be cropped in a scientific rotation, then the annual plantings would approximate two and one-half million acres as a maximum crop that could be economically produced. Dependent upon tariff and general farm relief, the intelligent rice farmers will increase or decrease their acreage accordingly.

Unfortunately there are no reliable official statistics on the subject of the cost of producing rice, either in the United States or in India, Siam, and French Indo-China (Saigon), where our chief competitors live. We have, however, very accurate records of the actual cash outlay, not including living expenses or taxes. These records are from a large banking institution in southwest Louisiana, and include in detail figures on all cost items, money actually spent in 1928 on 267 farms planting 57,780 acres. They show that it costs $33.55 per acre to produce this rice and your special attention is called to the fact that the planting and harvest weather in that section was ideal, so these cost figures should be considered an absolute minimum. The actual production from this total acreage, when sold at the best possible market price, actually yielded a return of $34 per acre. With no official or even approximate cost figures available for rice-producing countries in southern Asia no comparison of costs is possible. The cost figures for the Orient, however, do not influence, except to a slight extent, the price at which Rangoon, Bassein, Burma, Saigon, and Siam rices sell for in the international rice trade. The tribal method of life in southern Asia creates a condition which makes rice production essential for food, hence sufficient lands are planted to insure, even under unfavorable conditions, a plentiful supply of the staple diet.

When conditions are normal or good there is a surplus produced which, not being needed for home consumption, is sold or bartered for other commodities. Its price, therefore, is not determined by the cost of production but largely by the price of rice in the world trade. Such world prices are the basis of their competition with our products in our home markets. Another most important factor is that the foreign rices brought to our large seaport markets practically always enjoy a very low ocean freight rate, since it is transported in foreign bottoms, while, on the other hand, to transport our domestic products to the same markets we must do so either by all rail, combination rail and water, or by American coastwise vessels. In either event the rate of freight is much greater than that paid on the foreign products. Practically all of our imported rice originates in southern Asia, notably from the Province of Burma in India, Siam, and French Indo-China.

As I said before, we have reinstated the definite sieve requirement which prevailed in all former tariff acts since rice became a prominent commodity in the United States.

Unless otherwise specially mentioned, all figures quoted are official United States Government statistics. In asking for an increase of only 25 per cent over the present rates the rice growers realize that they can only exist at the new rate provided other competing commodities and articles used on their farms and by their families are not raised too high.

Theoretical research will add to the benefits from the tariff.

People who have but slight acquaintance with science or work of scientific men sometimes wonder why so much scientific work is so very "theoretical." They recall the definition of a specialist as one who learns more and more about less and less, or the remark of Anatole France, that a savant is "one who is interested in something that is fundamentally uninteresting." Yet discoveries that must be made to lay foundations or clear the way for future progress are often not themselves of immediate practical use. Science is like a mosaic pavement, into which successive fragments of truth must be fitted with regard to the beauty and completeness of the pattern as a whole, with-

out too much concern for the practical uses that might be made of the fragments individually. Then, when the pattern has become fairly complete, the man who is chiefly interested in the practical applications of science will discover that the orderly and systematized knowledge that has been placed at his disposal has greatly simplified his task.

The following services from the United States Department of Agriculture would greatly contribute toward raising the price of rice:

First. We desire to have tests made in growing of Patna rice. We do not have Patna seed of this type of rice, which is used for canning purposes and comes into the United States free of duty and against our protest. I believe that the Department of Agriculture should introduce this seed in large enough quantity, growing it for the first season away from other rices, so as to supply this demand in the United States as quickly as possible. There are other rices, such as glutinous rice, for making macaroni, the seed of which should be immediately introduced.

Second. In the spring of 1929 an office was established at Beaumont, Tex., to test germination of rice seed and determine the content of red rice and the various seeds in rice. This office has already proven itself of such very great value that we request that for the spring of 1930 there should be established in Louisiana, Texas, and Arkansas such offices as would cover the field so that practically all of our rice farmers might take advantage of this service.

Third. Further experiments should be made in regard to the relative value of various fertilizers, especially on different types of soil throughout the entire rice territory.

Fourth. Experiments should be made on rather large tracts to show proper methods of irrigation, the requirement in amount and depth of water to be carried on the field, and the effect of yield by allowing field to dry out during certain portions of the irrigation season.

Fifth. We especially request that experiments be made to determine the proper time for cutting rice and also for threshing, to test for moisture content and other factors.

Sixth. Bulk handling of rice, and especially the cost of drying plants and methods of handling so as to make the best grades, should be worked out. At the present time the burlap bags which we are using are costing a great deal of money, which we believe, with the help and assistance of the United States Department of Agriculture, can be entirely eliminated. Our whole system of handling rough rice is, perhaps, the most expensive method of grain handling known. We especially need studies on the development of equipment for farms and warehouses in bulk handling and drying and the most efficient methods of operating this equipment. This work will enable the rice farmer to use "combines" such as producers of wheat are using, thereby greatly decreasing cost of production.

Seventh. A study of the proper construction and internal arrangement of rice warehouses is required in order that we may know how to handle grain in bulk with greatest economy.

Eighth. Rice stored in warehouses is subject to enormous damage by weevils and other insects as well as rats and mice, and we need a study of the methods of preventing and controlling these depredations.

Ninth. In the fall of 1928 a Federal State grading office was established at Beaumont, Tex. The result of this one station has saved our farmers a large amount of money on the one subject alone of determining the moisture content so as to know whether the rice will keep.

Tenth. Additional money should be provided so that the statistics of rice could be collected and disseminated more often and with greater accuracy before and after the crop is harvested. We believe that a regulation should be passed by which mills, warehouses, both public and private, should be made to report actual statistics so that farmers might have absolutely reliable information at regular intervals as to the actual amount of rough, brown and milled rice and rice by-products in stock at all times together with milled receipts and sales of each type of rice by farmers, millers, and dealers.

Eleventh. The excellent news service which has recently been started by the Hay, Feed, Seed, and Grain Market News Service of the Bureau of Agricultural Economics should be greatly increased and money made available for the collection and disseminating market news on rice.

Twelfth. Experiments should be made on all types of processing of rice, including drying, parboiling, coating, oiling, ageing, and so forth.

Thirteenth. A very thorough set of cooking tests should be made so as to determine the cooking quality of every different variety of rice, as well as rice in different forms, such as brown, and so forth. Tests in processing rice polish and brown rice to prevent rancidity in storage should be conducted. The food value of these different rices should be widely disseminated to the public throughout the United States through the news channels of the department, such as radio, newspapers, bulletins, circulars, posters, and so forth, so as to show food value compared with each other as well as other foods. This broadcasting information should also include directions for preparing rice for the table use in various ways.

Fourteenth. A very thorough survey should be made in the markets of the United States, Porto Rico, and foreign countries to determine the type of rice preferred in various sections; whether that rice is glutinous rice, long-grain rice, high grade, broken, and so forth, and the approximate quantity used in the different communities at present. This should also include the quality and type that is now reaching the consumer. Italy has gained a foothold in South American rice trade which we should be controlling. We do not know the factors causing this condition as regards South America or any other country, and such information would be invaluable.

Fifteenth. Steps should be taken toward expanding and improving existing experiment stations so that experiments could be carried out on large-scale test plots in fields, and sufficient funds provided so that these tests could be made duplicated on various soil types and under different conditions in the various States. In the States where the United States Department of Agriculture is not cooperating with experiment stations devoted to rice, we ask that this be done as far as possible.

Sixteenth. A very beneficial step would be a study of production methods by farm management experts in order to arrive at the systems and practices over a great many farms, showing those that are most effective in lowering cost of production, increasing yields, and improving quality.

Seventeenth. I understand that an investigation is being conducted in the Bureau of Agricultural Economics as to the various factors entering into the price determinations of rice. I respectfully request that this investigation be continued, and a comprehensive research made of various statistics based over a long period of time on those factors which have affected, or are likely to affect the price, with a view to working out a definite correlation between cause and effect, including such factors as acreage, quality, imports, consumption, exports, etc.

There are many high-grade and conscientious millers, brokers, and others who handle rice after the farmer has grown it, who would sooner go out of business than to circulate false reports as to the amount of rice grown any one season, or marketed, or remaining on hand at any given time; but growers complain that there are dishonest concerns which do put out fictitious reports to beat down the price of rice, and it is against such as these that we are asking protection.

Under the law governing the issuance of reports on grain, cotton, and so forth, ginners and others are compelled to render true and correct statements of amounts handled and amounts on hand. These reports are compiled and the totals sent out. The grower can judge for himself the amount of surplus which confronts him, or the shortage which will justify him in anticipating increased prices for his products. Millers and others have correct data without the expense of gathering it single-handed, and no honest man is offended or injured.

A request has been recently sent to the Secretary of the Department of Agriculture. It is not asking too much nor is it impracticable or unreasonable. There must be a system in the rice industry if it is to be successful. The Government can and should do this for the rice growers, millers, and those interested in rice in any way. It should have the support of Representatives and Senators from consuming States as well as from the producing States of California, Arkansas, Texas, and Louisiana, for consumers are undoubtedly interested in the amount of food supply available at all times.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. KVALE, at the request of Mr. CLAGUE, indefinitely, on account of illness.

To Mr. LANHAM, at the request of Mr. SUMNERS of Texas, indefinitely, on account of illness in his family.

ADJOURNMENT

Mr. HAWLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 22, 1929, at 12 o'clock noon.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLTON: A bill (H. R. 3203) to authorize the city of Salina and the town of Redmond, State of Utah, to secure adequate supplies of water for municipal and domestic purposes through the development of subterranean water on certain public lands within said State; to the Committee on the Public Lands.

Also, a bill (H. R. 3204) to authorize the exchange of certain privately owned lands located within the Dixie National Forest, Utah, for public lands within said State; to the Committee on the Public Lands.

By Mr. ELLIOTT: A bill (H. R. 3205) to increase the pensions of certain maimed veterans who have lost limbs or have been totally disabled in the same, in line of duty, in the military or naval service of the United States; to the Committee on Pensions.

By Mr. BYRNS: A bill (H. R. 3206) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the projected Charlotte-Ashland City Road in Cheatham County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. HUDSPETH: A bill (H. R. 3207) to authorize the sale to occupants in good faith of lands held under patent or accretions thereto, from the State of Texas, and held by the Supreme Court to be within the State of New Mexico; to the Committee on the Public Lands.

By Mr. PARKER: A bill (H. R. 3208) to authorize the unification of carriers engaged in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS of California: A bill (H. R. 3209) to relinquish the title of the United States to certain lands in the county of Los Angeles, State of California; to the Committee on the Public Lands.

By Mr. HULL of Tennessee: A bill (H. R. 3210) to repeal the so-called flexible tariff provision; to the Committee on Ways and Means.

By Mr. BLAND: A bill (H. R. 3211) appropriating money for improvements at Wakefield, Westmoreland County, Va., the birthplace of George Washington; to the Committee on Appropriations.

By Mr. BUCKBEE: A bill (H. R. 3212) providing for the purchase of a site and the erection thereon of a public building at Morris, in the State of Illinois; to the Committee on Public Buildings and Grounds.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. BOHN: Memorial of the Legislature of the State of Michigan, urging the Congress of the United States to pass suitable legislation promptly to extend Federal aid to all rural township post roads; to the Committee on Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 3213) for the relief of Lowell I. Broxson; to the Committee on Military Affairs.

By Mr. BARBOUR: A bill (H. R. 3214) granting a pension to Clarance F. Dickenson; to the Committee on Pensions.

By Mr. CLARKE of New York: A bill (H. R. 3215) granting a pension to Della A. Merritt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3216) granting a pension to Lillias Ames; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 3217) for the relief of D. W. Thickstun; to the Committee on Military Affairs.

By Mr. DICKSTEIN: A bill (H. R. 3218) authorizing the appointment of Achilles Basteyne as a warrant officer, United States Army; to the Committee on Military Affairs.

By Mr. EDWARDS: A bill (H. R. 3219) for the relief of the heirs of Amos A. Cordson and others; to the Committee on War Claims.

By Mr. FISH: A bill (H. R. 3220) granting an increase of pension to Mary E. Dickinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3221) granting an increase of pension to Millie B. Sherwood; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 3222) for the relief of the State of Vermont; to the Committee on Military Affairs.

By Mr. HALSEY: A bill (H. R. 3223) granting a pension to Chesley D. Wallace; to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 3224) authorizing the President of the United States to appoint Sergt. Alvin C. York as a captain in the United States Army and then place him on the retired list; to the Committee on Military Affairs.

By Mr. WILLIAM E. HULL: A bill (H. R. 3225) for the relief of John G. Cassidy; to the Committee on Military Affairs.

By Mr. LOZIER: A bill (H. R. 3226) granting a pension to Robert T. McElhiney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3227) granting an increase of pension to Katie Bernard; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 3228) granting an increase of pension to Sophia Chapel Hammerly; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 3229) granting a pension to Emma B. Parker; to the Committee on Pensions.

By Mr. MOUSER: A bill (H. R. 3230) granting an increase of pension to Ella L. Geyer; to the Committee on Invalid Pensions.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 3231) for the relief of Walter P. Hagan; to the Committee on Military Affairs.

By Mr. PALMER: A bill (H. R. 3232) granting a pension to Susan M. Inks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3233) granting an increase of pension to Josephine Ridennoure; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 3234) granting a pension to Nannie Rumble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3235) granting a pension to Mary Anna Butler; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 3236) for the relief of Emma Farr; to the Committee on Military Affairs.

By Mr. SEIBERLING: A bill (H. R. 3237) granting a pension to Mary H. Criss; to the Committee on Invalid Pensions.

By Mr. SIMMS: A bill (H. R. 3238) for the relief of Martin E. Riley; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

480. By Mr. ALLGOOD: Petition of numerous citizens of the United States, praying Congress not to injure the immigration act of 1924 by repealing or suspending national-origins provisions of that act, and asking that Mexico and Latin-American countries be placed under the quota provisions of that act, and asking for additional deportation legislation; to the Committee on Immigration and Naturalization.

481. By Mr. BOX: Petition of numerous cititzens of the United States, praying Congress not to injure the immigration act of 1924 by repealing or suspending the national-origins provisions of that act, and asking that Mexico and Latin-American countries be placed under the quota provisions of that act, and asking for additional deportation legislation; to the Committee on Immigration and Naturalization.

482. By Mr. GARBER of Oklahoma: Petition of American National Live Stock Association, signed F. E. Mollin, secretary, in support of tariff on hides and skins; to the Committee on Ways and Means.

483. Also, petition of American Manganese Producers Association, Washington, D. C., supporting increased tariff on manganese ore and protection for low-grade ores; to the Committee on Ways and Means.

484. Also, petition of A. W. Cooper, in protest to tariff on logs, cedar lumber, and shingles; to the Committee on Ways and Means.

485. Also, petition of Oklahoma Shoe Retailers Association, signed Sol Jacobs, secretary and treasurer, in support of free hides and skins; to the Committee on Ways and Means.

486. Also, petition of Fitzhugh Lee Camp, No. 15, Tulsa, Okla., signed by T. A. Brandes, commander, in support of Senate bill 476; to the Committee on Pensions.

487. By Mr. GREEN: Petition of numerous citizens of the United States, praying Congress not to emasculate the immigration act of 1924 by repealing or suspending the national-origins provision of that act and asking that Mexico and Latin American countries be placed under the quota provisions of that act and asking for additional deportation legislation; to the Committee on Immigration and Naturalization.

488. By Mr. JENKINS: Petition signed by 50 citizens of St. Louis, Mo., petitioning Congress to retain the national-origins provision of the immigration act of 1924 and repudiate the alien and selfish racial interests seeking the repeal of this just provision of law, and to enact more adequate legislation for the deportation of alien criminals, anarchists, communists, and insane who are a menace to the public safety and constitute a grievous burden to the taxpayer; to the Committee on Immigration and Naturalization

489. Also, petition signed by 38 citizens of New York City, petitioning Congress to retain the national-origins provision of

the immigration act of 1924 and repudiate the alien and selfish racial interests seeking the repeal of this just provision of law, and to enact more adequate legislation for the deportation of alien criminals, anarchists, communists, and insane who are a menace to the public safety and constitute a grievous burden to the taxpayer; to the Committee on Immigration and Naturalization.

490. Also, petition signed by 50 citizens of Cleveland, Ohio, petitioning Congress to retain the national-origins provision of the immigration act of 1924 and repudiate the alien and selfish racial interests seeking the repeal of this just provision of law, and to enact more adequate legislation for the deportation of alien criminals, anarchists, communists, and insane who are a menace to the public safety and constitute a grievous burden to the taxpayer; to the Committee on Immigration and Naturalization.

491. By Mr. McCORMACK of Massachusetts: Petition of Boston Branch, National Customs Service Association, Joseph H. Bramble, president, customhouse, Boston, Mass., urging repeal of paragraph (b), section 451, of House bill 2667 (the tariff bill); to the Committee on Ways and Means.

SENATE

WEDNESDAY, *May 22, 1929*

(Legislative day of Thursday, May 16, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

Mr. BORAH. Will the Senator withhold the call for a moment?

Mr. FESS. Certainly.

REPORTS FOR EXECUTIVE CALENDAR

Mr. BORAH. Mr. President, from the Committee on Foreign Relations I submit reports for the Executive Calendar.

The VICE PRESIDENT. Without objection, the reports will be received and placed on the Executive Calendar.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a communication from Dr. Harry Cohen, president of the Eastern Medical Society of the city of New York, containing conclusions reached at a meeting held under the auspices of that society relative to the narcotic problem and favoring particularly the calling of another world conference on narcotics "so that the United States may lead the world in eradicating forever this serious menace to humanity," which was referred to the Committee on Foreign Relations.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was ordered to lie on the table:

STATE OF WISCONSIN.

Senate Joint Resolution 80

Joint resolution memorializing the Congress of the United States to enact the farm debenture plan for agricultural relief into law

Whereas the farm debenture plan appears to be the most workable and most practicable method now before Congress for the alleviation of our present agricultural ills; and

Whereas such plan is indorsed by most leading students of agricultural problems and by such forward-looking farm organizations as the National Grange: Therefore be it

Resolved by the senate (the assembly concurring), That the members of the Legislature of the State of Wisconsin hereby record themselves as respectfully memorializing Congress to enact the necessary legislation to put into effect at an early date the farm debenture plan as now before Congress; be it further

Resolved, That a copy of this resolution duly attested by the proper officers of the senate and assembly be transmitted to the presiding officers of each House of Congress.

The VICE PRESIDENT also laid before the Senate the following memorial of the Senate of the Territory of Alaska, which was referred to the Committee on Territories and Insular Possessions:

IN THE SENATE,
IN THE LEGISLATURE OF THE TERRITORY OF ALASKA,
NINTH SESSION.

Senate Memorial 1 (by Senators Anderson, Benjamin, Frame, Steel, and Sundquist)

To the President of the United States, the United States Senate, the House of Representatives, and the Delegate from Alaska:

Your memorialist, the Territorial Senate of the Territory of Alaska, in ninth session assembled, hereby most earnestly and respectfully represents:

1. That by the act of Congress of August 24, 1912, entitled "An act to create a legislative assembly in the Territory of Alaska, to confer legislative powers thereon, and for other purposes" (37 Stat. L. 512), the people of Alaska were organized into a Territory and given power to create an American Territorial form of government therein, based on the principles of the Constitution of the United States after the type heretofore organized in the Territories of the West, which gave their people a full Territorial form of government and fitted such Territories to later form and adopt State constitutions and be admitted as States into the Union.

That it was the purpose of Congress in passing the organic act of August 24, 1912, aforesaid, to give the people of Alaska an equal opportunity with other American Territories.

2. That notwithstanding the power and authority thus given to the people of Alaska, their Territorial legislature from session to session has given the power of government and the control of the Territorial affairs into the hands of the governor and other Federal officials, whereby the present Territorial government is not in any sense responsible to the people of Alaska, and has become and now is a Federal bureaucratic government, with the appointed governor, the secretary of the Territory, other Federal officials, and Territorial appointive boards filled by appointment by these Federal officials in full charge, while the citizens, electors, and taxpayers of Alaska are practically excluded from any participation in the management of their Territorial affairs.

3. That many patriotic citizens and members of the Territorial legislature have protested from session to session against the growth of Federal bureaucratic organization in our Territorial government, whereby slowly but surely the entire power and control has passed and is now lodged in the said Federal officials, who contest efforts on the part of our members or citizens to regain any part of it for the public good.

4. That to aid the efforts of citizens, electors, and taxpayers of Alaska to stop the Federal appointive officials in holding and extending their autocratic and unlawful control over our own Territorial government certain citizens and taxpayers in Alaska some two years ago, immediately after the adjournment of the legislature of that session, brought suits in the United States District Court of Alaska, First Division, against the Territorial treasurer, who is also appointed by the Governor of Alaska, to restrain him from paying out Territorial funds to the secretary of the Territory and to other Federal officials and employees in violation of specific laws of the United States, and such proceedings were had in such suits that the court declared such payments were illegal and void, and that such Federal officials holding said Territorial offices were acting therein in violation of the said United States statutes.

5. That Congress thereafter passed an act entitled "An act to authorize the payment of certain salaries or compensation to Federal officials and employees by the treasurer of the Territory of Alaska," which was approved by the President of the United States on February 18, 1929; whereby the very salaries and compensations so held by the said court to be invalid and void were validated and ordered to be paid, but, well recognizing the evil in said matters, the said act of Congress concluded with a warning to the said Federal officials in Alaska, and to the Territorial Legislature, not to continue said evil and unlawful practices; that reference is hereby made to said act of Congress, and reference is also made to Senate Report No. 1048, Seventieth Congress, first session, by Senator PITTMAN, and the House Report No. 2172, Seventieth Congress, second session, by Mr. DOWELL, being the respective reports of the Senate and House on S. 4257; and you are respectfully referred also the proceedings in the House of Representatives, found in the CONGRESSIONAL RECORD of February 13, 1929, on the passage by that body of S. 4257 where the evils mentioned are discussed.

6. That seeking to cure the defects in the laws of Alaska whereby the said Federal officials dominate our Territorial government and to provide a lawful method of taking over and performing the Territorial powers and offices so declared to be illegally held and performed by said Federal officials, by the court in the suits mentioned, early in the present session of the Territorial Legislature, senate bill No. 35 was introduced in that body; it was regularly referred to the committee, reported, considered, amended, and finally passed by the senate by a majority vote of five senators voting for and three senators voting against its passage. It was passed in strict conformity with the provisions of the organic act of Alaska and duly forwarded to the Territorial house of representatives for consideration. A full, true, and correct copy of said senate bill No. 35, as it was finally amended and forwarded to the Territorial house of representatives for its action, will be made a part of this memorial by attachment.

7. That said senate bill No. 35 was received by the Territorial house of representatives in regular session and referred to its house committee on Territorial institutions, which said committee duly considered the said bill, and, on April 11, 1929, presented the report on the bill to the house, that a full, true, and correct report as found printed in the journal of the house of April 11, 1929, will be made a part of this memorial by attachment.

8. That the said house report made by its committee on Territorial institutions recommended (and the house subsequently adopted such recommendation) that all those provisions in senate bill No. 35 attempting to create a Territorial board of control be stricken out of said bill,